

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILES 8672

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CONSTITUTION OF ALABAMA

stitutional convention of 1901 was based in large part on legislative apportionment, South Alabama controlled that body. Leaders of that section proceeded to apportion representation in favor of South Alabama and provided in addition that the whole population as the basis of representation could not be changed by the amending process.

The new constitution required the legislature to reapportion representation after each federal census; a provision which the legislature controlled by South Alabama has refused to honor after the federal census of 1910 and every decennial census thereafter until 1965, when the federal courts forced reapportionment.*

A strict mathematical, or "one man one vote" basis of apportionment was never applied throughout the nineteenth century. As in the Federal structure, the interests of political units as such were recognized not only in the Senate, but by providing that each county have at least one representative regardless of population.

AMENDING ALABAMA'S CONSTITUTION

The amending process in Alabama became easier during the century. The Constitution of 1819 provided for amendment by a two-thirds vote of the legislature, a majority vote of all the electors voting in a regular election, and a two-thirds majority vote of the following legislature. This process was followed until 1875, when the latter provision was stricken out. This requirement for amending the Alabama constitution, however, proved too difficult in the period from 1875 to 1901. The provision that an amendment secure a majority of those

* Birmingham, a city of well over 350,000 in 1965, had no more representation in the legislature than it did as a city of about 30,000 in 1901. When the federal court reapportioned the lower house, it gave Jefferson County 20 representatives to seven which they had had since 1901. The Alabama legislature then apportioned the Senate, changing Jefferson County from one senator to seven. The court declared that not only the House of Representatives but also the state Senate should be apportioned on a "one-man, one-vote" basis. Hence geography or political units could no longer be used as a basis for representation even in the Senate.

HISTORY OF ALABAMA'S CONSTITUTIONS

voting in a regular election was prohibitive since many electors voted for candidates but failed to mark the ballot on constitutional amendments. The convention of 1901 reduced the two-thirds provision to three-fifths; it also provided that an amendment might be submitted in a special or general election. In either case it was required to receive only a majority of those voting on the amendment.

SUBMISSION OF CONSTITUTIONS TO THE PEOPLE

The Constitution of 1868 was the first one submitted to a vote of the people in Alabama. Its submission was required by the Reconstruction Acts. Since that time all Alabama constitutions have been submitted rather than proclaimed. Popular fear of the powers of a convention became evident early in the century and increased as the century advanced. In 1861, popular indignation became intense in North Alabama when the secession convention carried Alabama out of the Union without a referendum vote, although North Alabama demanded one and there was great opposition to secession in that section. North Alabama was able to write a proviso into the Constitution of 1865 which declared that no convention should ever be called in Alabama without submitting the question to the people and securing a favorable vote. In order to secure the conventions of 1875 and 1901, the Democratic party found it necessary to pledge that the proposed conventions would not consider certain questions and would not change certain sections of the constitution; and the legislature wrote certain limitations on the proposed conventions in the enabling acts.

SUMMARY OF CONSTITUTIONAL TRENDS IN NINETEENTH CENTURY

Legislative supremacy, evident in the Constitution of 1819, had been greatly eroded by 1901. The executive had gained power at the expense of the legislature and the people at the expense of all three branches of the government. The judiciary, elected by the legislature for life dependent on good behavior in 1819, was made elective as the century advanced. Popular election of officials became an established principle in

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all three branches of the government. The amending process was made more pliable and the principle of submission of a new constitution to popular vote established. However, democracy in Alabama was marred at the end of the century by the denial of the suffrage, its most essential feature, to the Negro and many whites. From the liberal suffrage article of 1819 Alabama moved by 1901 to the most complicated and undemocratic suffrage article in the United States.

THE CONSTITUTION OF 1901 A "STRAITJACKET"

Each major revision of the constitution has lengthened the document. The Constitution of 1819 was a document of only eighteen pages, that of 1901 fifty-two pages. Many of the new sections were legislative rather than constitutional in nature. The Alabama constitution has become a code of laws as well as a constitution. The freezing of essentially current legislative matter has made constant changes by amendment unavoidable.

More amendments to Alabama's Constitution of 1901 deal with changing tax and debt limits for counties and municipalities, than with any other subject. And each time the electorate of the whole state is called upon to vote on the matter. The amendments to the Constitution of 1901 form a document much longer than the constitution itself. The constitution has been amended 327 times and more than 150 other proposed amendments have been submitted and rejected by the people.

The state was forbidden to engage in "internal improvements" by the Constitution of 1901. This forced the state to get an amendment to the Constitution of 1901 allowing it to build highways, when the federal government under the Good Roads Act of 1918 offered to match any money the state would spend on roads. Fundamentally, except in regard to the suffrage, the Constitution of 1901 was a re-adoption of that of 1875, which came directly out of the pangs of Reconstruction. "The constitutional convention of 1901 was called for the paramount purpose of reforming the suffrage and removing from our electorate the menace of an ignorant and purchasable vote."

HISTORY OF ALABAMA'S CONSTITUTIONS

declared Governor Emmet O'Neal in asking for a new constitution as early as 1914. "Little consideration was given to matters of reform, and hence the Constitution of 1875 which was framed to meet conditions which can never again exist, was practically readopted," he said.

A constitution should be a principled framework of government, limited by firm protection of individual rights and liberties, but not so unpliant that it cannot be interpreted to meet the changing needs of succeeding generations. It must not be a code of statutory laws. Legislative matters belong to the legislature itself. Unfortunately, the Alabama Constitution of 1901 has become the longest, most statutory, rigid, and prohibitive in the state's history, and next to Louisiana's, the longest and most restrictive in the nation. It is time that it be recast to open for the states unlimited potential "the room to grow in" which the *Birmingham Age Herald* (April 25, 1901) admonished the convention of 1901 to provide.

FLORIDA STATE UNIVERSITY LAW REVIEW



CONSTITUTION REVISION SYMPOSIUM: INTRODUCTION
Talbot "Sandy" D'Alemberte

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EMPHASIS ON THE SOUTH AND FLORIDA *Albert L. Sturm*
THE POWER WITHIN (PART I OF II) . . . *Representative Tom Moore*

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LAW

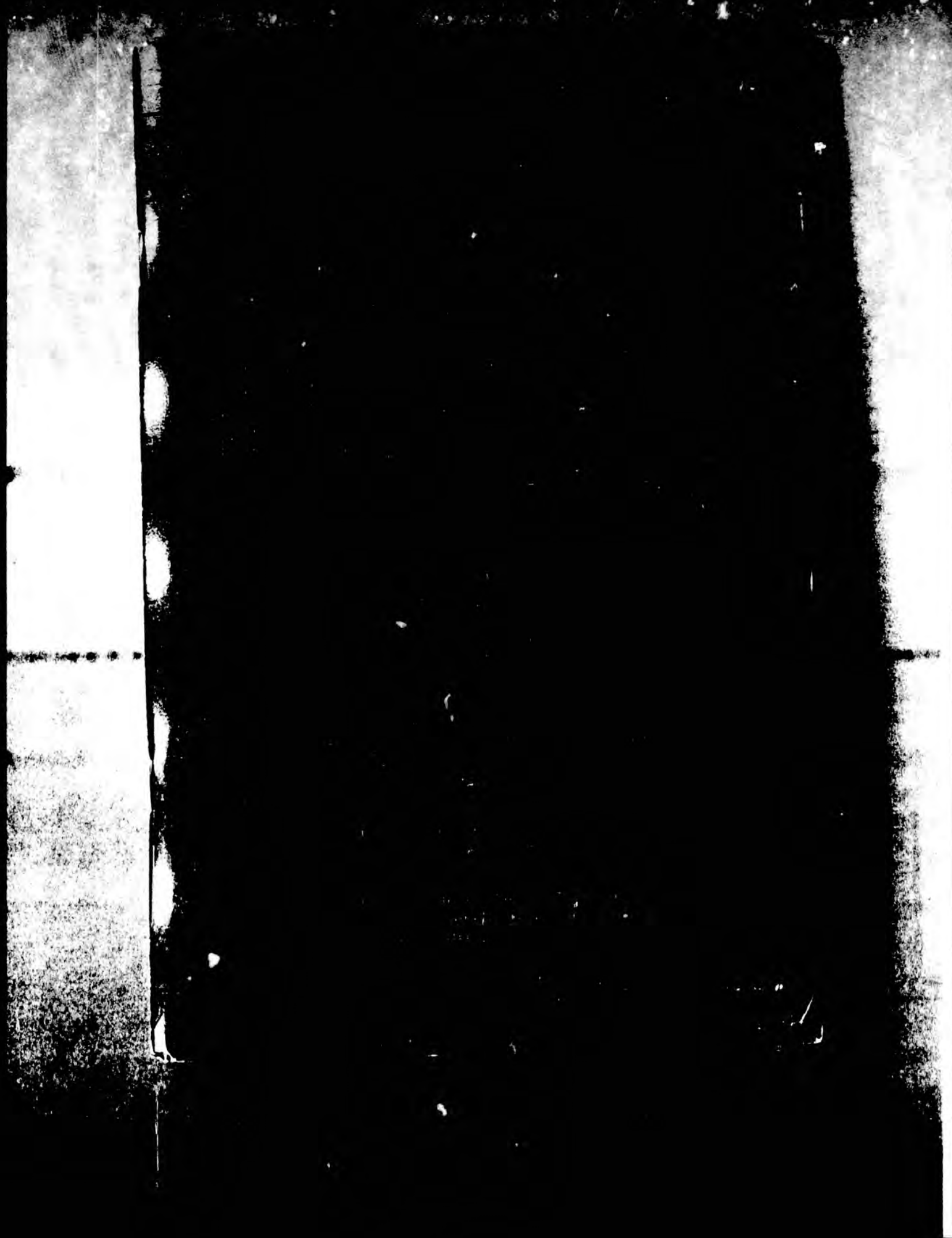
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INITIATIVE AND REFERENDUM—DO THEY ENCOURAGE OR IMPAIR BETTER
STATE GOVERNMENT?





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**CHECKLIST ON
LEGISLATIVE IMPLEMENTATION
OF THE
1970 ILLINOIS CONSTITUTION**

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STATE OF ILLINOIS

**CITIZENS TASK FORCE
ON CONSTITUTIONAL IMPLEMENTATION**

SAMUEL K. GOVE
Chairman

September 14, 1971

RICHARD B. OGILVIE
Governor

JOHN D. WENUM
Staff Director

LETTER OF TRANSMITTAL

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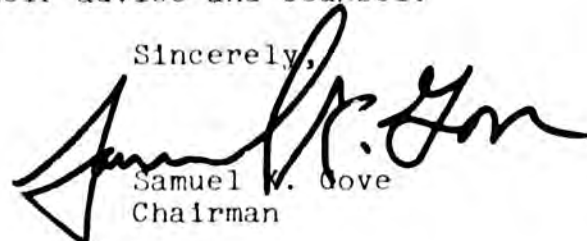
Honorable Richard B. Ogilvie,
Governor, State of Illinois;
Honorable Cecil A. Partee,
President Pro Tempore of the Senate;
Honorable W. Robert Blair,
Speaker of the House;
Honorable Robert C. Underwood,
Chief Justice of the Supreme Court

Submitted herewith is the third report of the Citizens Task Force on Constitutional Implementation. The report encompasses action taken to implement the 1970 Illinois Constitution during the first session of the 77th General Assembly. It also takes note of proposed actions which await the session scheduled for October, 1971.

The Task Force is gratified by the effort made to implement the new Constitution. Full implementation has not been achieved but there is evidence of a good faith effort to deal with the more than eighty sections identified in our initial report. Proposals for adoption of procedural rules are pending before the rules committees of the General Assembly. Action has been taken by the Supreme Court to conform its rules to the new Constitution. The will of the people, expressed by their ratification of the new Constitution on December 15, 1970, is well on its way to being effected.

The work of the Task Force has been significantly aided by the continuing high level of cooperation forthcoming from officers and agents of the state, from groups and associations, and from individual citizens. Our job would have been infinitely more demanding without their advice and counsel.

Sincerely,



Samuel K. Gove
Chairman

INTRODUCTION

Implementation of a new state constitution is a task which is not often confronted. Illinois history spans a full century since the citizens and public officials of this state last made the transition from one basic charter to another. It was, therefore, with no experience and some trepidation that concerned Illinoisans approached the task of implementing the 1970 Illinois Constitution. This report describes the several stages in the process of implementation and offers an evaluation of the progress made in the nine months since the new constitution was ratified by the people.

Implementation of the new constitution, while not complete, has progressed well up to this time. The Citizens Task Force on Constitutional Implementation issued its initial report on April 12, 1971. The report identified 91 sections or subsections out of a total of 226 as requiring implementation prior to July 1, 1971.

Substantial implementation has been achieved for 21 of the 91 sections originally identified. Another 24 sections have been reconsidered by the Task Force as while early implementation is necessary, such action can be deferred until the 1972 session of the General Assembly. An additional 34 sections have been addressed by bills which were introduced prior to the end of the 1971 regular session. These bills have been carried over to the session planned for October, 1971, and will be considered at that time. Finally, 12 sections await introduction of bills or other implementing action. These last two categories must be given special attention in the weeks ahead.

Among the 34 sections to which bills have been addressed and are now pending are some of the most important and controversial provisions in the 1970 Constitution. They include creation of a bipartisan State Board of Elections (Article III, Section 5); provision for the new office of County Chief Executive (Article VII, Sections 4(a) and 6(a)); creation of a State Board of Education (Article X, Section 2(a)); and provision of a new ethical standard for public officials (Article XIII, Section 2). These and other sections in this category have far-reaching ramifications and merit thoughtful and detailed consideration.

The 12 sections to which no bills have been addressed should be dealt with during the session planned for October, 1971. Five of these have been considered by the Citizen's Advisory Committee on Implementation of the Comptroller's Office.

The Committee is expected to make detailed recommendations in its final report, to be issued in late September, 1971. The House Special Committee on Constitutional Implementation is expected to introduce bills in connection with five more sections during the October session. Two sections remain with no implementing action pending or in process at this time.

Full implementation of the 1970 Illinois Constitution has not been attained at this time. There has been a good faith effort on the part of the General Assembly but several months passed before the members of that body realized the magnitude of their task. When recognition did occur, particularly on the part of the House Special Committee on Constitutional Implementation, action was forthcoming. This does not lessen the burden and the responsibility of the General Assembly to quickly and effectively achieve full implementation of the new Constitution. It does establish that the legislature has confronted the issue and is, we trust, ready to deal with it in the best interests of the citizens of Illinois.

I. IMPLEMENTING A NEW CONSTITUTION: THE ILLINOIS EXPERIENCE

The Citizens Task Force - Creation and Purpose

The die was irrevocably cast on December 15, 1970. The people of Illinois, by a margin of some 11 percent of more than two million votes cast, had ratified a new state Constitution. Their action was the ratification of the product of nearly nine months of work by 116 elected representatives--the members of the Sixth Illinois Constitutional Convention.* The central question on December 16, 1970, was a simple one. How does a state with a full century of experience with one charter go about the serious business of implementing a new one--the 1970 Illinois Constitution.

The question of implementation of the 1970 Illinois Constitution did not go long unresolved. Before the new year Governor Ogilvie, a strong supporter of the new Constitution, had directed his staff to begin considering steps to be taken in the immediate future. The goal of a new, more flexible constitution had been achieved. The central purpose now was to bring it into effect.

The question of implementing the new constitution had not been (indeed, could not have been) resolved by the Convention which created it. That body had not been empowered or funded to perform such a task. Furthermore, it had adjourned sine die on September 3, 1970, more than three months prior to ratification of the new document. Implementation of the new charter was now in the hands of the elected representatives of the people; the members of the executive, legislative and judicial branches of the state government.

At his direction, members of the Governor's staff met and exchanged memoranda during late December, 1970, and early January, 1971. Several members of the convention expressed their concern over implementation, as did a number of other public and private persons. The Governor, aware that no formal provisions had been made for implementation and sympathetic to the concerns being expressed, promulgated Executive Order No. 1, 1971. (See Appendix B) Executive Order No. 1 created a special study group, the Citizens Task Force on Constitutional Implementation, and gave it four charges: identify those sections of the new constitution requiring implementation prior to July 1, 1971; specify the nature of required implementation; assist the General Assembly in such ways as that body might request or direct; and advise the Governor on the constitutional appropriateness of implementing legislation awaiting his approval.

*The Sixth Illinois Constitutional Convention performed the final act in a scenario which had spanned at least two decades. Space is too limited to list the many citizens and groups whose works contributed to its success. Credit must be given to the Constitutional Study Commission for its efforts in bringing together the ideas and information which helped pave the way to the ultimate success of the convention.

Organization of the Task Force

Executive Order No. 1 was promulgated on January 21, 1971. Eight days later the newly constituted Citizens Task Force on Constitutional Implementation met for the first time. Comprised by 14 former members of the Constitutional Convention and 11 members at-large, the Task Force represented all major areas and persuasions in Illinois. An early order of business at the initial meeting was the grant of authority to the Chairman to establish a steering committee to deal with procedural matters and to nominate members to standing committees.

The Steering Committee met on February 9, 1971 for the purpose of defining areas of committee responsibility and nominating members to the several committees. This action was ratified by the Task Force on February 10. The committees were to consist of one each in the general areas of local government, revenue and financial administration, rights and legal procedures, and structure of state government. Each committee was assigned a group of articles and sections in the new constitution as its primary field for review and recommendation of implementing action (see Appendix C).

The Committee Structure

It is necessary to understand how the Task Force organized itself to meet its initial charge before further discussing its role in working toward implementation of the new constitution. As previously noted, the Task Force had been organized into a steering committee and four other committees which were to study selected portions of the new Constitution.

With the exception of the Chairman, each member of the Steering Committee was also a member of one of the four committees which dealt with selected articles of the new constitution. Their dual role called for them to deal with questions of policy as well as those of constitutional substance. The policy questions related to matters such as how the Task Force would be staffed and budgeted, the allocation of committee assignments, determination of committee jurisdiction, and initial review of the various reports which ultimately issued from the Task Force.

The four substantive committees were given the responsibility of reviewing their assigned articles of the new constitution to determine which sections required implementation prior to July 1, 1971, the effective date of the new charter. Although the charge to the Task Force had been to determine those areas where legislation was required, it soon became apparent that action would also be necessary with regard to procedural rules of the General Assembly and rules of court. The Task Force was aware that full implementation would require adaptation in all of these areas, not to mention the years ahead when the courts will define the ultimate validity of statute law and constitutional law.

The Task Force dealt with the question of whether the several committees should hold public hearings at its meeting on February 10, 1971. It was noted that the people of Illinois had expressed their mandate by ratifying the new charter. Furthermore, the Task Force had been given a clear charge in Executive Order No. 1. The central questions to be answered were these: Which sections were, by their language, self-executing? Which sections could await implementation at some future time? Which sections required immediate implementation? The Task Force believed that the answers to these questions could best be found in the words of the constitution and that public hearings were not necessary.

Staff Structure

Staffing an agency such as the Task Force is always a complex process. First, such an agency operates within a limited span of time. In the case of the Task Force it was originally envisioned that this time would extend approximately 90 days beyond the end of the first session of the 77th General Assembly on June 30, 1971. This coincides with the constitutionally prescribed period within which the Governor must complete his action on bills passed during the session. This meant that the maximum life of the Task Force would be some eight months.

An agency with an anticipated life span of eight months could ordinarily expect some difficulty in finding competent staff personnel. The Task Force was fortunate in several respects. There was available a small pool of personnel who had been associated with the Sixth Illinois Constitutional Convention and with the campaign for ratification of the new document. There was also an abiding interest in and concern for the constitution-framing process on the part of these and many others. Furthermore, budgetary and other constraints militated in favor of a small staff. Finally, the Task Force was comprised by persons of wide-ranging expertise and did not require a large staff to service its needs.

The staff of the Task Force never exceeded four persons and was at that level for only two months*. Of the four, three

*Miss Virginia Ubik served as research aid to the Committee on Structure of State Government until late March, when she was named staff director of the Governor's Advisory Commission on Financing the Arts in Illinois. A former staff member of the Constitutional Convention and of the staff of the Citizens Committee for the New Constitution, Miss Ubik brought knowledge, experience and a high level of competence to her assignment. Miss Kathleen Meehan served as secretary to the Task Force. She had also served as staff to the convention and the Citizens Committee. Her quiet competence, efficiency and initiative were of immeasurable value to the success of the staff effort. Mr. Harvey Schwartz, Attorney-at-Law, provided expert legal knowledge to the Committee on Rights and Legal Procedures. Dr. John Wenum, college professor and former member of the Constitutional Convention served as staff director for the Task Force.

were full-time persons engaged on a contractual basis. These three consisted of a staff director, secretary, and a research aid to the Committee on Structure of State Government. The fourth person was a lawyer who was engaged as research aid to the Committee on Rights and Legal Procedures on a fee basis. After the Initial Report was approved for publication the staff was reduced to two persons, the staff director and secretary. Staff remained at this level until mid-September, at which time the major responsibilities of the Task Force had been discharged. *

*Due to the small number and non-controversial nature of implementing bills passed, the Task Force was not called upon to assist in reviewing bills awaiting action by the Governor as envisioned in charge number 4 of Executive Order No. 1.

II.

THE WORK OF THE TASK FORCE

Preparing the Initial Report

The Task Force adopted the committee structure as proposed by the Steering Committee at a meeting on February 10. Subsequently the chairman and staff director formalized the assignment of committee responsibilities which had been suggested during the meeting and on February 12 a memorandum was circulated in which specific articles and sections were assigned to the committees. The committees immediately began scheduling meetings to review their respective articles and sections to determine which of them required implementation prior to July 1, 1971.

The committees of the Task Force were working against an imminent deadline. The 77th General Assembly had already been in session for over a month and few pieces of implementing legislation had been introduced. Only four and one-half months remained in a session during which the legislature had to reapportion itself, review the proposed state budget and pass related appropriation bills, consider the more than 4,000 bills which would be introduced, and implement the new constitution. The problems of the General Assembly were compounded by its nearly even partisan division, a condition which harbored the potential for stalemate. The Senate was evenly divided along party lines and in the House the Republicans had one vote more than the constitutional majority required to pass a bill.

The Task Force recognized the nature of the work facing the General Assembly. It was decided that a report should be prepared and submitted to the Governor and the legislature at the earliest possible date. The report would serve as a guide to the legislature in establishing priorities for action. It would also be a statement of necessary action from a bipartisan public agency.

Each committee of the Task Force met several times between February 10 and April 1. The Task Force met as a body on March 3, March 18 and April 1. At each meeting the recommendations of the committees were reviewed by the Task Force. Subsequent to each meeting the staff made corrections in the evolving report and submitted the revised drafts back to the Task Force members. The Task Force met on April 1 to review the final draft of the Initial Report. Necessary editorial corrections were made and the report was submitted for publication. On April 12 the report was published and three days later it was formally presented to the Governor at a press conference in his office. The report was simultaneously released to the legislature, the state departments and agencies, the Supreme Court and to the public.

The Initial Report identified 99 sections out of 226 in the new constitution as requiring implementation prior to July 1, 1971. It specified sections of the statutes which needed to be reviewed for conformity with the new constitution, where new laws were required, and where implementation could be achieved

by changes in procedural rules of the legislature and rules of court. The report also noted options available to the General Assembly in certain cases and provided notes to explain its recommendations in many instances. Publication of the Initial Report fulfilled the first and second charges in Executive Order No. 1.

It would be inappropriate to leave the discussion of the Initial Report without commenting briefly on the assistance received from individuals and associations. Letters commenting on various sections of the new constitution were received from members of the convention, staff counsel to committees of the convention and agencies of the state. The Illinois League of Women Voters, the Chicago Bar Association and the Illinois Legislative Council had all prepared lists of sections which, in their judgement, required legislative implementation. The Illinois Municipal League made available a commentary on Article VII, Local Government, which had been prepared by their legal counsel. These and many other letters and reports were made available to the Task Force. The Task Force sometimes arrived at different conclusions with respect to specific sections. All of these source materials were carefully considered, however, and helped the Task Force in making its determinations.

The Liaison Function

During the period when the Task Force was preparing its Initial Report, the leadership in the General Assembly had been considering how to best perform its function in the implementing process. At one point it was proposed that a joint committee on implementation be created. This proposal was nullified by creation of the House Special Committee on Constitutional Implementation on February 19. Although some members of the Senate pursued the idea of a joint committee for a time, formation of a counterpart Senate committee was announced on March 19.

Throughout the remaining months of the session the Task Force was represented at most meetings of the special committees. The Task Force representative was more an observer than a spokesman, however. This was rooted in two positions taken by the Task Force early in its existence. The first of these was that any appearance of intrusion into legislative prerogative should be scrupulously avoided. This was based in the third charge of Executive Order No. 1, which stated that the Task Force was to "work in cooperation with the General Assembly and its agencies as that body may direct and request..." This charge, it was felt, did not empower the Task Force to act as a lobbying agency in the usual sense of the term.

A second position taken was that no one person could speak for the Task Force unless that body had adopted a point of view on the particular bill or subject. The Task Force did not endorse or sanction specific bills. It sought instead to assess the implementing effect of bills and to avoid questions of ideology or partisanship. Its concern was that

the constitution be implemented in a manner consistent with the words of the document and the intent of the framers.

Adoption of the foregoing positions limited any spokesman for the Task Force to the role of advisor and neutral commentator. Advocacy, while the prerogative of members as individuals, was denied them as spokesman for the body. In retrospect this appears to have been a wise course of action. The credibility of the Task Force was enhanced in the eyes of the General Assembly and it could never be accused of polarizing partisan or regional groups on a particular bill or issue. Taking a neutral position also led to better relations with the chairmen of the special committees, particularly in the House. This in turn led to a better exchange of ideas and information than might have been expected.

Communications between representatives of the Task Force and the special committees of the General Assembly varied considerably from one house to the other. This derived in large part from the role each committee chose for itself. The choice of role was a product, at least in part, of the size of the two committees and the date of their creation.

The Legislative Implementation Committees

The Senate committee chose to act as a bill-review agency. It reacted to legislation which was assigned to it but did not prepare and introduce any committee bills. Choice of this course of action appears to have been related both to the size of the committee and its date of creation. Comprised by 12 members, the Senate committee was not large enough to be organized into sub-committees which could adequately deal with assigned portions of the new Constitution in the time remaining. Its creation on March 19, 1971, with barely more than one-half of the session remaining, appears to have forced the Senate committee to adopt its limited role.

The House committee was comprised by 24 members. It was created on February 19, a full month before its Senate counterpart. With its larger membership and longer work period, the House committee was able to adopt a different approach to its task. Shortly after its creation the committee was organized into five study groups. Each study group was assigned responsibility for reviewing one or more articles of the Constitution to determine what implementing action was required.

It would appear at first glance that the Task Force was performing much the same role as the House committee. This is clearly not the case, however, when the roles and perspectives of the two groups are examined. Only three of the 24 members of the House committee had been members of the Constitutional Convention. This meant that the case for intent behind the words of the new constitution could not be as clearly made as in the Task Force, where 14 of the 25 members had been at

the convention. In addition, the Task Force had been charged with identifying those sections which required implementation prior to July 1, 1971, the effective date of the new Constitution. The House and Senate committees were no less concerned with achieving full implementation but did not always share the Task Force's concern over the July 1 effective date.

The more active role chosen by the House committee caused representatives of the Task Force to relate more to that body than to its Senate counterpart. Beginning in February, a working relationship developed between the chairman and staff director of the Task Force and the chairman, vice-chairman and staff of the House committee. (Relations with the Senate committee were always cordial but not as substantive.) There were frequent discussions of the progress of implementation, both with staff and with the committee leadership.

Despite the good working relationship established with the House committee, it became apparent in late April that a large number of constitutional provisions had not been addressed with implementing legislation. The subject was briefly discussed at a Task Force meeting on April 30 but no formal action was taken.

The Task Force met again on May 14. The staff had prepared a report on the status of implementing legislation which showed that more than half of the sections identified in the Initial Report as requiring implementation prior to July 1 had not been addressed by the General Assembly. The members of the Task Force were uncertain as to how best to proceed in seeking more expeditious implementation. After lengthy discussion, a motion was taken which directed the Steering Committee to prepare letters to the Governor and the presiding officers of the House and Senate.

Letters were sent to Governor Richard B. Ogilvie, Speaker of the House W. Robert Blair, and Senate President Pro Tempore Cecil A. Partee on May 21. The letter to the Governor asked if there were ways beyond those noted in Executive Order No. 1 in which the Task Force could be of assistance. The letters to Speaker Blair and President Pro Tempore Partee offered "...to assist the General Assembly in such ways as you might desire, particularly in the following areas:"

1. Identification of sections of the new Constitution which require implementation prior to July 1 and to which no legislation has been addressed.
2. Review pending bills and advise you when they seem to be inadequate to implement or in conflict with the provisions of the new Constitution.

3. Assist in drafting legislation in those areas where none has been introduced to date.

Governor Ogilvie responded in a letter dated May 26. In his reply the Governor stated:

In specific response to your letter, I am of the opinion that the Task Force can best discharge its continuing responsibilities by servicing the specific requests you might receive from the leadership of the General Assembly and from the membership of the two committees on Constitutional Implementation. Although it is premature for me at this time to indicate specifically which bills I will need your guidance (on), I intend to submit specific legislation for your review following the adjournment of the present session.

The Governor had reinforced the charge given in Executive Order No. 1 but left any elaboration thereon to the leadership of the General Assembly and the two committees.

President Pro Tempore Partee responded on June 3. He expressed his appreciation of the Task Force's initial report and noted his understanding that the Task Force was maintaining a running record of implementing legislation. After stating his hope that such a record would be available to the Senate and its committee on Constitutional Implementation, Senator Partee assured the Task Force that its service would be requested "...if other matters arise in connection with implementation of the Constitution where we think you may be helpful." Speaker Blair did not respond to the letter from the Task Force.

The Task Force met on June 4 and reviewed its position. It was now clear that more than 40 of the sections identified in the initial report had not been addressed. The Governor's letter of May 26 made it clear that for the remainder of the session the Task Force should service requests from the General Assembly. In the absence of specific requests for such assistance from the General Assembly, the Task Force directed its staff to prepare a second report for the purpose of identifying those areas where no implementing action had been taken to date.

The Second Report

The staff, as part of its service to the Task Force, had been maintaining a detailed record of the status of implementation. As soon as a bill was introduced the published synopsis was evaluated to identify any implementing effect. When the printed bill became available it was analyzed to determine its constitutional import. Committee chairmen received copies of all bills which appeared to pertain to the sections of the Constitution assigned to their respective committees. The Task Force members received copies of bill synopses and a brief bill analysis on a regular basis.

The Task Force met on June 4 to review the status of implementation. Copies of the response of the Governor and the President Pro Tempore to the letters of May 21 were distributed to the membership. After an extended discussion of several courses of action available to it, the Task Force took a motion that a second report be prepared and distributed. The second report was to be brief, containing only a letter of transmittal and a listing of sections which had not yet been addressed with implementing action. The report was prepared and publication occurred on June 16, 1971.

Two weeks of the legislative session remained when the second report was published. The two weeks were more productive of bills designed to implement the new Constitution than the preceding five months. (In fairness it must be noted that many of the bills introduced during the last two weeks had been in the process of preparation long before publication of the second report.) The report listed 42 sections of the 91 originally identified as being inadequately addressed by pending legislation or not addressed at all. By the end of the session that number had been reduced to 14. Implementation would not be fully accomplished before the end of the legislative session but a new awareness had been created on the part of the General Assembly.

The Last Two Weeks: Results of the Second Report

Publication of the Second Report of the Citizens Task Force on Constitutional Implementation generated a new awareness on the part of the General Assembly. Only two weeks remained in the session, yet barely more than one-half of the 91 sections identified in the initial report had been addressed with implementing bills. The second report listed 42 of these as having no bills or other action pending.

Chairman Thomas C. Rose of the House Committee on Constitutional Implementation was already sensitive to the complexities of bringing the new document into effect by July 1. Subsequent to publication of the second report he redoubled the efforts of his committee and staff. Bills, many of which had been in the drafting process, were completed and introduced. Chairman Rose initiated correspondence with the House Rules Committee in which he recommended changes in procedural rules to bring them into conformance with the new Constitution. He also indicated that his committee will prepare bills relating to five of the remaining sections for introduction during an unusual fall session of the legislature. It is expected that the final report of the Citizens' Advisory Committee on Implementation of the Comptroller's Office will recommend action on five other sections.

The 77th Illinois General Assembly can look to its fall session with only two sections remaining to which no implementing action has been addressed or promised. The

record has improved markedly since June 16 but one fact remains. Despite the many bills and other actions pending, the new Constitution is far from being fully implemented. As was noted earlier, several of the most controversial sections still must receive final action. The task of implementing a new Constitution has been found complex and laborious. Readjusting a process of government set in a century of constitutional history subjected the legislative process to a difficult test. The results are not yet in.

III.

THE PROCESS OF IMPLEMENTATION: A RECAPITULATION

It is less productive but far easier to look backward rather than into the future. This truism applies equally well to the Citizens Task Force on Constitutional Implementation and the 77th General Assembly. In February neither body had any experience with constitutional implementation. By the end of the legislative session both bodies were somewhat chastened and far more appreciative of the myriad problems involved. The Task Force, because it was created for the express purpose of expediting implementation, came to appreciate those problems at an earlier date. To its credit, the General Assembly came to share those appreciations well before the end of the session in the early morning hours of July 1.

Perhaps the major problem confronting the members of the General Assembly was conceptual in nature. The members of the Task Force came to their assignment with their attention focused only on the new constitution. The members of the General Assembly, however, returned to the same climate of law and court cases, the same array of organized interest groups and the typical legislative burden of new bills on old subjects. There were more things to take their attention away from the new constitution than to course them to focus upon it. The result was that the members of the General Assembly did not grasp as readily some of the innovative provisions of the 1970 Illinois Constitution.

Part of the conceptual problem for members of the General Assembly can be attributed to their relative isolation from the process of writing the new constitution. With the exception of the members of the special committees of the House and Senate, this isolation was not lessened until well into the first session of the 77th General Assembly. Part of it may also have derived from the short period of time between ratification of the new Constitution on December 15, 1970, and the convening of the 77th General Assembly on January 6, 1971. In those three weeks there was all too little opportunity for members of the General Assembly to ponder and develop strategies on implementation.

It is necessary to note that many in the General Assembly did not share the concern of the Task Force for early implementation. Both by the charge of Executive Order No. 1 and the nature of its membership, the Task Force viewed the July 1 effective date in absolute terms. Failure to achieve full implementation of the new constitution would deprive the people of Illinois of the full force and effect of the document they had ratified. The General Assembly on the other hand, appears not to have felt as strongly on the subject. Furthermore, it did not share the sense of urgency of the Task Force with respect to some sections. For example, while the Task Force was concerned that a state board of education be immediately created as provided by Article X, Section 2(a), the General Assembly was not disposed to rush into the subject. Several

bills were introduced and are on the fall, 1971 calendar. The legislature, however, was not as concerned over the question of what would take place in the event of a vacancy in the office of Superintendent of Public Instruction as with the manner of naming the members of the new board.

It is necessary to note, out of fairness to the members of the General Assembly, that the Task Force may have been overly zealous in its identification of sections requiring immediate implementation. Approximately 24 of the 91 sections originally identified did not, on further study, seem to require implementation by July 1. They are still viewed as demanding early action but may be deferred until a later session without unduly jeopardizing the intent of the Constitution and the welfare of the people of Illinois.

The Role of the Court

It would be all too easy to overlook the part already played by the Illinois Supreme Court in bringing the 1970 Illinois Constitution into effect. At this date no cases have been tried nor laws tested against the standard of the new charter. The courts do not deal only in the substance of the laws, however. They also deal with procedures, with the framework of actions and processes within which justice is sought.

The Illinois Supreme Court and its staff have been working for several months at revising the rules which govern the conduct of judicial business. The results of their efforts can be found in two sets of revisions to the Illinois Supreme Court Rules. The first of these, effective July 1, 1971, modifies a number of rules which deal with original and appellate jurisdiction and procedural matters. Several sections of the new Constitution are implemented in whole or in part by these revisions.

The second set of revised rules relates to discovery in criminal cases and will be effective on October 1, 1971. Although substantive in content, these rules set procedural guidelines in relation to sections of the Constitution which the members of the Task Force believe to be self-executing.

The Supreme Court has moved quickly in fulfilling its first responsibility in connection with implementation of the new Constitution. Its further responsibility will be discharged in the further evolution of case law and additional refinements to the rules of court.

The Effect of Anticipatory Legislation

A question which arose early in the deliberations of the Task Force had to do with so-called anticipatory legislation. What is the legal status of a bill passed prior to the effective date of a new Constitution when the intent of the bill is to deal with provisions contained in the new document. The question becomes more complex when the bill relates to a provision in the new Constitution which does not appear in the old one.

On February 20, 1971, the Honorable Wayne W. Whalen, member of the Task Force and former member of the Constitutional Convention, distributed a memorandum on the subject. The answer to the question regarding anticipatory legislation was a qualified yes (see Appendix D). His position was supported by a second memorandum prepared by Miss Ann Lousin, lawyer and staff aid to the House Committee on Constitutional Implementation. Miss Lousin's memorandum, dated March 22, 1971, also concluded that anticipatory legislation could be passed by the General Assembly. There were a number of differences in both reasoning and conclusions reached but both memoranda sustained the concept of anticipatory legislation.

A more cautious view was expressed in a memorandum prepared by Mr. Frank M. Pfeifer, General Counsel to the Illinois Municipal League. In his memorandum of January 4, 1971, Mr. Pfeifer had addressed himself to the question of local ordinances passed in anticipation of the effective date of the new Constitution. Directing himself to the grant of home rule contained in the new document, Mr. Pfeifer said, "The power to operate under home rule ordinances...does not come into being until July 1, 1971 and I do not believe that any such ordinances should be enacted before that date." He went on to note that such ordinances could probably be legally passed prior to July 1 if they were not effective until after that date, but suggested waiting on such action.

The General Assembly operated under the assumption that anticipatory legislation could be passed prior to July 1.

The Timing of Gubernatorial Approval of Bills

A question which related in some part to that regarding anticipatory legislation was being considered in the Governor's office. How did the provisions of the new Constitution, which differed from those in the old one, effect the timing of the Governor's approval of bills passed prior to July 1? The old Constitution provided a maximum period of 10 days (Sundays excepted) between the time the Governor received a bill and the time when he had to either approve or veto it. Lacking any action on his part, the bill became law at the end of the 10 day period.

The new Constitution provided a maximum period of 90 days between time of passage and approval or rejection by the veto. The Attorney General was asked for an opinion as to the effect of the varying provisions in the old and new Constitutions. The Attorney General responded in an opinion dated June 15, 1971 (see Appendix E). The essence of his answer was that any bill passed within less than 10 days (Sundays excepted) of July 1 was to be considered under the new provisions. For any bill passed earlier, the Governor had 10 days from the time it reached his desk to indicate approval or rejection. Owing to the spate of bills passed during the waning hours of the session, the Governor had a much longer time to consider his actions thereon.

Deferred Implementation: The Fall Session

During the spring of 1971 the leadership of the General Assembly came to the realization that their work would not be completed by June 30, the end of the regular session under the provisions of the 1870 Constitution. In an effort to better understand the ramifications of the new Constitution, the Attorney General was requested to prepare an opinion on the General Assembly as a continuing body. The question had two important parts to it. Could the 77th General Assembly, constituted under the previous Constitution, continue to transact business after July 1, when the new Constitution came into effect? Could bills still pending as of June 30 be placed on the calendar of a later session with the same status? The Attorney General answered both parts of the question in the affirmative. (See Appendix F). The procedural feasibility of a fall session had been assured.

The General Assembly now faces a fall session in which hundreds of bills must be considered. Among these are several score which relate to the new Constitution. At least 45 of these are substantive bills and in several cases there is more than one bill pending on a section of the Constitution. Because of their late introduction, a number of implementing bills are still on first reading in the Committees on Constitutional Implementation of the House and Senate.

The procedural hurdles have been cleared away by the opinions of the Attorney General. The General Assembly must still face the difficult question of how to enact bills which best serve the words and intent of the 1970 Illinois Constitution. The basic political climate is unchanged, although various interest groups will have had more time to establish their positions for and against particular pieces of legislation.

The Task Force believes the best interest of the people of Illinois have been served by implementation effected to date. We trust that concern for that common good will pervade the fall session of the 77th General Assembly. Its responsibility is of heroic proportions and far-reaching historical significance. We wish good fortune and Godspeed to all concerned with full implementation of the 1970 Illinois Constitution.

APPENDIX A
SEPTEMBER, 1971: THE STATUS OF IMPLEMENTATION

The history of the United States clearly demonstrates the dynamic and evolutionary nature of our constitutional tradition. It would therefore be inconsistent to expect that Illinois ever can or even should arrive at a moment when the 1970 Constitution is fully implemented. Full implementation would connote stasis, a condition incompatible with the history of the state and the nation. There is necessary, however, some measure of the extent to which the words and intent of a constitution operate at any given time. Such a measure is to be found in the pages following, where the present and prospective status of implementation of the new constitution is reported.

Several comments are necessary here so as to give more meaning to the analysis of the status of implementation which follows. It must first be made clear that this analysis is presented from the point of view of the Citizens Task Force on Constitutional Implementation. That point of view is expressed in the initial report of the Task Force. The initial report identified those sections of the new constitution which required implementation prior to July 1, 1971. Although not repeated herein, the statement contained in the initial report is the base from which this analysis begins.

The reader of this report must also be aware that the status of implementation of many sections of the new constitution is difficult to define at this time. A number of implementing bills are awaiting gubernatorial action. Until the governor either approves or vetoes these bills the status of the related sections remains in doubt. (This deadline for gubernatorial action may be as late as September 29 for a bill passed on June 30.) Furthermore, bills relating to 34 sections have been introduced but await final legislative action during the fall session.

The pages which follow contain the complete text of the 1971 Illinois Constitution. A statement as to the status of implementation appears opposite each section of the new constitution. These statements fall into the following categories.

1. The Task Force believes the section is self-executing or adequately treated by existing statutes and rules.
2. The section is implemented.
3. The section is not implemented.
4. The section will be implemented if pending bills are passed substantially as introduced.
5. Specific and immediate implementation is not required.

CONSTITUTION OF THE STATE OF ILLINOIS

Adopted in Convention at Springfield, September 3, 1970.
Ratified by the People, December 15, 1970.
In force July 1, 1971.

PREAMBLE

We, the People of the State of Illinois—grateful to Almighty God for the civil, political and religious liberty which He has permitted us to enjoy and seeking His blessing upon our endeavors—in order to provide for the health, safety and welfare of the people; maintain a representative and orderly government; eliminate poverty and inequality; assure legal, social and economic justice; provide opportunity for the fullest development of the individual; insure domestic tranquility; provide for the common defense; and secure the blessings of freedom and liberty to ourselves and our posterity—do ordain and establish this Constitution for the State of Illinois.

ARTICLE I

BILL OF RIGHTS

SECTION 1. INHERENT AND INALIENABLE RIGHTS

All men are by nature free and independent and have certain inherent and inalienable rights among which are life, liberty and the pursuit of happiness. To secure these rights and the protection of property, governments are instituted among men, deriving their just powers from the consent of the governed.

SECTION 2. DUE PROCESS AND EQUAL PROTECTION

No person shall be deprived of life, liberty or property without due process of law nor be denied the equal protection of the laws.

SECTION 3. RELIGIOUS FREEDOM

The free exercise and enjoyment of religious profession and worship, without discrimination, shall forever be guaranteed, and

(cont'd)

STATUS OF IMPLEMENTATION

The Preamble is a statement of the goals and purposes envisioned in this Constitution. Traditionally a Preamble is not viewed as having the force of law.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

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The Task Force believes this section is self-executing or adequately treated by existing statutes or rules.

ARTICLE I - BILL OF RIGHTS (cont'd)

no person shall be denied any civil or political right, privilege or capacity, on account of his religious opinions; but the liberty of conscience hereby secured shall not be construed to dispense with oaths or affirmations, excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of the State. No person shall be required to attend or support any ministry or place of worship against his consent, nor shall any preference by* given by law to any religious denomination or mode of worship.

SECTION 4. FREEDOM OF SPEECH

All persons may speak, write and publish freely, being responsible for the abuse of that liberty. In trials for libel, both civil and criminal, the truth, when published with good motives and for justifiable ends, shall be a sufficient defense.

SECTION 5. RIGHT TO ASSEMBLE AND PETITION

The people have the right to assemble in a peaceable manner, to consult for the common good, to make known their opinions to their representatives and to apply for redress of grievances.

SECTION 6. SEARCHES, SEIZURES, PRIVACY AND INTERCEPTIONS

The people shall have the right to be secure in their persons, houses, papers and other possessions against unreasonable searches, seizures, invasions of privacy or interceptions of communications by eavesdropping devices or other means. No warrant shall issue without probable cause, supported by affidavit particularly describing the place to be searched and the persons or things to be seized.

SECTION 7. INDICTMENT AND PRELIMINARY HEARING

No person shall be held to answer for a criminal offense unless on indictment of a grand jury, except in cases in which the punishment is by fine or by imprisonment other than in the penitentiary, in cases of impeachment, and in cases arising in the militia when in actual service in time of war or public danger. The General Assembly by law may abolish the grand jury or further limit its use.

*Probably should read "be".

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

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No person shall be held to answer for a crime punishable by death or by imprisonment in the penitentiary unless either the initial charge has been brought by indictment of a grand jury or the person has been given a prompt preliminary hearing to establish probable cause.

SECTION 8. RIGHTS AFTER INDICTMENT

In criminal prosecutions, the accused shall have the right to appear and defend in person and by counsel; to demand the nature and cause of the accusation and have a copy thereof; to meet the witnesses face to face and to have process to compel the attendance of witnesses in his behalf; and to have a speedy public trial by an impartial jury of the county in which the offense is alleged to have been committed.

SECTION 9. BAIL AND HABEAS CORPUS

All persons shall be bailable by sufficient sureties, except for capital offenses where the proof is evident or the presumption great. The privilege of the writ of habeas corpus shall not be suspended except in cases of rebellion or invasion when the public safety may require it.

SECTION 10. SELF-INCRIMINATION AND DOUBLE JEOPARDY

No person shall be compelled in a criminal case to give evidence against himself nor be twice put in jeopardy for the same offense.

SECTION 11. LIMITATION OF PENALTIES AFTER CONVICTION

All penalties shall be determined both according to the seriousness of the offense and with the objective of restoring the offender to useful citizenship. No conviction shall work corruption of blood or forfeiture of estate. No person shall be transported out of the State for an offense committed within the State.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

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The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

Section will be implemented if HB 3044 is passed substantially as introduced. HB 3044 declares the purpose of the Criminal Code to be the restoration of offenders to useful citizenship. The bill is on the fall calendar.

Passage of SB 759-64, 767-68, 770-72, 774-94 and 1058 and their approval by the Governor partially implements the section. Bills in the 700 series allow consideration of felony convictions in determining an applicant's eligibility for licensing in certain occupations
(cont'd)

ARTICLE I--BILL OF RIGHTS (cont'd)

SECTION 12. RIGHT TO REMEDY AND JUSTICE

Every person shall find a certain remedy in the laws for all injuries and wrongs which he receives to his person, privacy, property or reputation. He shall obtain justice by law, freely, completely, and promptly.

SECTION 13. TRIAL BY JURY

The right of trial by jury as heretofore enjoyed shall remain inviolate.

SECTION 14. IMPRISONMENT FOR DEBT

No person shall be imprisoned for debt unless he refuses to deliver up his estate for the benefit of his creditors as provided by law or unless there is a strong presumption of fraud. No person shall be imprisoned for failure to pay a fine in a criminal case unless he has been afforded adequate time to make payment, in installments if necessary, and has willfully failed to make payment.

SECTION 15. RIGHT OF EMINENT DOMAIN

Private property shall not be taken or damaged for public use without just compensation as provided by law. Such compensation shall be determined by a jury as provided by law.

or professions but prevents such convictions from acting as a bar to registration. SB 1058 established procedures for restoring voting rights upon completion of sentence.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

Section will be implemented if HB 3077 is passed substantially as introduced. HB 3077 establishes procedures for installment payment of fines. The bill is on the fall calendar. In the absence of legislation the section can be implemented by rule of court.

Specific and immediate implementation is not required. Ch. 47, Sec. 1, Ill. Rev. Stat. (1969) provides for jury determination of just compensation in certain cases and permits it upon request in certain others. It is desirable that the permissive language be amended to conform with this section at a future date.

SECTION 16. EX POST FACTO LAWS AND IMPAIRING CONTRACTS

No ex post facto law, or law impairing the obligation of contracts or making an irrevocable grant of special privileges or immunities, shall be passed.

SECTION 17. NO DISCRIMINATION IN EMPLOYMENT AND THE SALE OR RENTAL OF PROPERTY

All persons shall have the right to be free from discrimination on the basis of race, color, creed, national ancestry and sex in the hiring and promotion practices of any employer or in the sale or rental of property.

These rights are enforceable without action by the General Assembly, but the General Assembly by law may establish reasonable exemptions relating to these rights and provide additional remedies for their violation.

SECTION 18. NO DISCRIMINATION ON THE BASIS OF SEX

The equal protection of the laws shall not be denied or abridged on account of sex by the State or its units of local government and school districts.

SECTION 19. NO DISCRIMINATION AGAINST THE HANDICAPPED

All persons with a physical or mental handicap shall be free from discrimination in the sale or rental of property and shall be free from discrimination unrelated to ability in the hiring and promotion practices of any employer.

SECTION 20. INDIVIDUAL DIGNITY

To promote individual dignity, communications that portray criminality, depravity or lack of virtue in, or that incite violence, hatred, abuse or hostility toward, a person or group of persons by reason of or by reference to religious, racial, ethnic, national or regional affiliation are condemned.

SECTION 21. QUARTERING OF SOLDIERS

No soldier in time of peace shall be quartered in a house without the consent of the owner, nor in time of war except as provided by law.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

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ARTICLE I--BILL OF RIGHTS (continued)

SECTION 22. RIGHT TO ARMS

Subject only to the police power, the right of the individual citizen to keep and bear arms shall not be infringed.

SECTION 23. FUNDAMENTAL PRINCIPLES

A frequent recurrence to the fundamental principles of civil government is necessary to preserve the blessings of liberty. These blessings cannot endure unless the people recognize their corresponding individual obligations and responsibilities.

SECTION 24. RIGHTS RETAINED

The enumeration in this Constitution of certain rights shall not be construed to deny or disparage others retained by the individual citizens of the State.

ARTICLE II

THE POWERS OF THE STATE

SECTION 1. SEPARATION OF POWERS

The legislative, executive and judicial branches are separate. No branch shall exercise powers properly belonging to another.

SECTION 2. POWERS OF GOVERNMENT

The enumeration in this Constitution of specified powers and functions shall not be construed as a limitation of powers of state government.

ARTICLE III

SUFFRAGE AND ELECTIONS

SECTION 1. VOTING QUALIFICATIONS

Every United States citizen who has attained the age of 21 or any other voting age required by the United States for voting in State elections and who has been a permanent resident of this State for at least six months next preceding any election shall have the right to vote at such election. The General Assembly by law may establish registration requirements and require permanent residence in an election district not to exceed thirty days prior to an election. The General Assembly by law may establish shorter residence requirements for voting for President and Vice-President of the United States.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

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Section 1s implemented by passage of SB 719 and HB 1964 if these bills are approved by the Governor. SB 719 and HB 1964 bring Chs. 46 and 122, Ill.Rev. Stat. (1969) into conformance with this section. This section is subject to continuous implementation by state and federal statutes and judicial determination. HB 1963 which changed residence requirements for voting in school elections has been returned to the General Assembly.

SECTION 2. VOTING DISQUALIFICATIONS

A person convicted of a felony, or otherwise under sentence in a correctional institution or jail, shall lose the right to vote, which right shall be restored not later than upon completion of his sentence.

SECTION 3. ELECTIONS

All elections shall be free and equal.

SECTION 4. ELECTION LAWS

The General Assembly by law shall define permanent residence for voting purposes, insure secrecy of voting and the integrity of the election process, and facilitate registration and voting by all qualified persons. Laws governing voter registration and conduct of elections shall be general and uniform.

SECTION 5. BOARD OF ELECTIONS

A State Board of Elections shall have general supervision over the administration of the registration and election laws throughout the State. The General Assembly by law shall determine the size, manner of selection and compensation of the Board. No political party shall have a majority of members of the Board.

SECTION 6. GENERAL ELECTION

As used in all articles of this Constitution except Article VII, "general election" means the biennial election at which members of the General Assembly are elected. Such election shall be held on the Tuesday following the first Monday of November in even-numbered years or on such other day as provided by law.

Section has been implemented by passage and approval of SB 1058. SB 1058 establishes procedures for restoring voting rights upon completion of sentence.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

Section is implemented by passage of SB 719 if this bill is approved by the Governor. SB 719 bring Chs. 46 and 122, Ill. Rev. Stat. (1969) into conformance with this section. A more precise definition of "permanent abode" as used in Ch. 46, Sec. 3-2, is desirable. This section is subject to continuing implementation by state and federal statutes and judicial determination. HB 1963 which changed residence requirements for voting in school elections has been returned to the General Assembly.

Section will be implemented if HB 2615, 2916, SB 654 or 868 is passed substantially as introduced. These bills are on the fall calendar.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

ARTICLE IV
THE LEGISLATURE

SECTION 1. LEGISLATURE—POWER AND STRUCTURE

The legislative power is vested in a General Assembly consisting of a Senate and a House of Representatives elected by the electors from 59 Legislative Districts.

SECTION 2. LEGISLATIVE COMPOSITION

(a) One Senator shall be elected from each Legislative District. Immediately following each decennial redistricting, the General Assembly by law shall divide the Legislative Districts as equally as possible into three groups. Senators from one group shall be elected for terms of four years, four years and two years; Senators from the second group, for terms of four years, two years and four years; and Senators from the third group, for terms of two years, four years and four years. The Legislative Districts in each group shall be distributed substantially equally over the State.

(b) Three Representatives shall be elected from each Legislative District for a term of two years. No political party shall limit its nominations to less than two candidates for Representative in any Legislative District. In elections for Representatives, including those for nomination, each elector may cast three votes for one candidate or distribute them equally among no more than three candidates. The candidates highest in votes shall be declared elected.

(c) To be eligible to serve as a member of the General Assembly, a person must be a United States citizen, at least 21 years old, and for the two years preceding his election or appointment a resident of the district which he is to represent. In the general election following a redistricting, a candidate for the General Assembly may be elected from any district which contains a part of the district in which he resided at the time of the redistricting and reelected if a resident of the new district he represents for 18 months prior to reelection.

(cont'd)

Section has been implemented. The Legislative Redistricting Commission has filed its redistricting plan with the Secretary of State. The plan provides for a 59th Senate seat.

Section will be implemented if HB 2908 is passed substantially as introduced. HB 2908 provides for dividing legislative districts into three groups and for staggered terms of Senators.

Section will be implemented if either HB 1148 or 2134 is passed substantially as introduced. HB 1148 and 2134 both limit any party from nominating only one candidate for Representative in a legislative district. Both bills are on the fall calendar.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

(d) Within thirty days after a vacancy occurs, it shall be filled by appointment as provided by law. If the vacancy is in a Senatorial office with more than twenty-eight months remaining in the term, the appointed Senator shall serve until the next general election, at which time a Senator shall be elected to serve for the remainder of the term. If the vacancy is in a Representative office or in any other Senatorial office, the appointment shall be for the remainder of the term. An appointee to fill a vacancy shall be a member of the same political party as the person he succeeds.

(e) No member of the General Assembly shall receive compensation as a public officer or employee from any other governmental entity for time during which he is in attendance as a member of the General Assembly.

No member of the General Assembly during the term for which he was elected or appointed shall be appointed to a public office which shall have been created or the compensation for which shall have been increased by the General Assembly during that term.

SECTION 3. LEGISLATIVE REDISTRICTING

(a) Legislative Districts shall be compact, contiguous and substantially equal in population.

(b) In the year following each Federal decennial census year, the General Assembly by law shall redistrict the Legislative Districts.

If no redistricting plan becomes effective by June 30 of that year, a Legislative Redistricting Commission shall be constituted not later than July 10. The Commission shall consist of eight members, no more than four of whom shall be members of the same political party.

The Speaker and Minority Leader of the House of Representatives shall each appoint to the Commission one Representative and one person who is not a member of the General Assembly. The President and Minority Leader of the Senate shall each appoint to the Commission one Senator and one person who is not a member of the General Assembly.

(cont'd)

Section is implemented by passage of HB 3042 and SB 67 if either of these bills is approved by the Governor. Either bill will establish procedures for filling legislative vacancies.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

Section has been implemented. The Legislative Redistricting Commission has filed its redistricting plan with the Secretary of State. Redistricting will have to be accomplished after each decennial census as provided in this section.

ARTICLE IV--THE LEGISLATURE (cont'd)

The members shall be certified to the Secretary of State by the appointing authorities. A vacancy on the Commission shall be filled within five days by the authority that made the original appointment. A Chairman and Vice Chairman shall be chosen by a majority of all members of the Commission.

Not later than August 10, the Commission shall file with the Secretary of State a redistricting plan approved by at least five members.

If the Commission fails to file an approved redistricting plan, the Supreme Court shall submit the names of two persons, not of the same political party, to the Secretary of State not later than September 1.

Not later than September 5, the Secretary of State publicly shall draw by random selection the name of one of the two persons to serve as the ninth member of the Commission.

Not later than October 5, the Commission shall file with the Secretary of State a redistricting plan approved by at least five members.

An approved redistricting plan filed with the Secretary of State shall be presumed valid, shall have the force and effect of law and shall be published promptly by the Secretary of State.

The Supreme Court shall have original and exclusive jurisdiction over actions concerning redistricting the House and Senate, which shall be initiated in the name of the People of the State by the Attorney General. [This Section 3 of Article IV shall become effective on January 15, 1971. See Transition Schedule Section 10.]

SECTION 4. ELECTION

Members of the General Assembly shall be elected at the general election in even-numbered years.

SECTION 5. SESSIONS

(a) The General Assembly shall convene each year on the second Wednesday of January. The General Assembly shall be a continuous body during the term for which members of the House of Representatives are elected.

(cont'd)

Revised Illinois Supreme Court Rule 382, July 1, 1971, implements the last sentence of this section by establishing procedures for actions challenging legislative redistricting.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

ARTICLE IV - THE LEGISLATURE (cont'd)

(b) The Governor may convene the General Assembly or the Senate alone in special session by a proclamation stating the purpose of the session; and only business encompassed by such purpose, together with any impeachments or confirmation of appointments shall be transacted. Special sessions of the General Assembly may also be convened by joint proclamation of the presiding officers of both houses, issued as provided by law.

(c) Sessions of each house of the General Assembly and meetings of committees, joint committees and legislative commissions shall be open to the public. Sessions and committee meetings of a house may be closed to the public if two-thirds of the members elected to that house determine that the public interest so requires; and meetings of joint committees and legislative commissions may be so closed if two-thirds of the members elected to each house so determine.

SECTION 6. ORGANIZATION

(a) A majority of the members elected to each house constitutes a quorum.

(b) On the first day of the January session of the General Assembly in odd-numbered years, the Secretary of State shall convene the House of Representatives to elect from its membership a Speaker of the House of Representatives as presiding officer, and the Governor shall convene the Senate to elect from its membership a President of the Senate as presiding officer.

(c) For purposes of powers of appointment conferred by this Constitution, the Minority Leader of either house is a member of the numerically strongest political party other than the party to which the Speaker or the President belongs, as the case may be.

Section will be implemented if HB 2879 is passed substantially as introduced. HB 2899 establishes procedures whereby the presiding officers of both houses of the General Assembly may call a special session. The bill is on the fall calendar.

Section will be implemented if HB 3038 is passed substantially as introduced and if rules changes recommended in the House of Representatives are adopted by both houses of the General Assembly. HB 3038 is on the fall calendar.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

Specific and immediate implementation is not required. Section is substantially implemented by existing procedures of the General Assembly. Wherever they appear in rules of the Senate or in statutes, references to the Lieutenant Governor as President of the Senate should be changed prior to the convening of the 78th General Assembly.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

ARTICLE IV--THE LEGISLATURE (cont'd)

(d) Each house shall determine the rules of its proceedings, judge the elections, returns and qualifications of its members and choose its officers. No member shall be expelled by either house, except by a vote of two-thirds of the members elected to that house. A member may be expelled only once for the same offense. Each house may punish by imprisonment any person, not a member, guilty of disrespect to the house by disorderly or contemptuous behavior in its presence. Imprisonment shall not extend beyond twenty-four hours at one time unless the person persists in disorderly or contemptuous behavior.

SECTION 7. TRANSACTION OF BUSINESS

(a) Committees of each house, joint committees of the two houses and legislative commissions shall give reasonable public notice of meetings, including a statement of subjects to be considered.

(b) Each house shall keep a journal of its proceedings and a transcript of its debates. The journal shall be published and the transcript shall be available to the public.

(c) Either house or any committee thereof as provided by law may compel by subpoena the attendance and testimony of witnesses and the production of books, records and papers.

SECTION 8. PASSAGE OF BILLS

(a) The enacting clause of the laws of this State shall be: "Be it enacted by the People of the State of Illinois, represented in the General Assembly."

Specific and immediate implementation is not required. Section is substantially implemented by existing procedures of the General Assembly.

Section will be implemented if HB 3038 is passed substantially as introduced. HB 3038 provides for notice of meetings of legislative committees and commissions. The bill is on the fall calendar

Section has been implemented by passage and approval of HB 2894. HB 2894 provides a line item appropriation for defraying the costs of preparing a transcript of legislative debates. Modification of procedural rules of the General Assembly may also be desirable.

Specific and immediate implementation is not required.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

ARTICLE IV--THE LEGISLATURE (cont'd)

(b) The General Assembly shall enact laws only by bill. Bills may originate in either house, but may be amended or rejected by the other.

(c) No bill shall become a law without the concurrence of a majority of the members elected to each house. Final passage of a bill shall be by record vote. In the Senate at the request of two members, and in the House at the request of five members, a record vote may be taken on any other occasion. A record vote is a vote by yeas and nays entered on the journal.

(d) A bill shall be read by title on three different days in each house. A bill and each amendment thereto shall be reproduced and placed on the desk of each member before final passage.

Bills, except bills for appropriations and for the codification, revision or rearrangement of laws, shall be confined to one subject. Appropriation bills shall be limited to the subject of appropriations.

A bill expressly amending a law shall set forth completely the sections amended.

The Speaker of the House of Representatives and the President of the Senate shall sign each bill that passes both houses to certify that the procedural requirements for passage have been met.

SECTION 9. VETO PROCEDURE

(a) Every bill passed by the General Assembly shall be presented to the Governor within 30 calendar days after its passage. The foregoing requirement shall be judicially enforceable. If the Governor approves the bill, he shall sign it and it shall become law.

(b) If the Governor does not approve the bill, he shall veto it by returning it with his objections to the house in which it originated. Any bill not so returned by the Governor within 60 calendar days after it is presented to him shall become law. If recess or adjournment of the General Assembly prevents the return of a bill, the bill and the Governor's objections shall be filed with the Secretary of State within such 60 calendar days. The Secretary of State shall return the bill and objections to the originating house promptly upon the next meeting of the same General Assembly at which the bill can be considered.

(cont'd)

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

Section will be implemented if HB 3041 is passed substantially as introduced. HB 3041 provides for certification by the Speaker of the House and President of the Senate that procedural requirements for passage have been met. The bill is on the fall calendar.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

ARTICLE IV - THE LEGISLATURE (cont'd)

(c) The house to which a bill is returned shall immediately enter the Governor's objections upon its journal. If within 15 calendar days after such entry that house by a record vote of three-fifths of the members elected passes the bill, it shall be delivered immediately to the second house. If within 15 calendar days after such delivery the second house by a record vote of three-fifths of the members elected passes the bill, it shall become law.

(d) The Governor may reduce or veto any item of appropriations in a bill presented to him. Portions of a bill not reduced or vetoed shall become law. An item vetoed shall be returned to the house in which it originated and may become law in the same manner as a vetoed bill. An item reduced in amount shall be returned to the house in which it originated and may be restored to its original amount in the same manner as a vetoed bill except that the required record vote shall be a majority of the members elected to each house. If a reduced item is not so restored, it shall become law in the reduced amount.

(e) The Governor may return a bill together with specific recommendations for change to the house in which it originated. The bill shall be considered in the same manner as a vetoed bill but the specific recommendations may be accepted by a record vote of a majority of the members elected to each house. Such bill shall be presented again to the Governor and if he certifies that such acceptance conforms to his specific recommendations, the bill shall become law. If he does not so certify, he shall return it as a vetoed bill to the house in which it originated.

SECTION 10. EFFECTIVE DATE OF LAWS

The General Assembly shall provide by law for a uniform effective date for laws passed prior to July 1 of a calendar year. The General Assembly may provide for a different effective date in any law passed prior to July 1. A bill passed after June 30 shall not become effective prior to July 1 of the next calendar year unless the General Assembly by the vote of three-fifths of the members elected to each house provides for an earlier effective date.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

Section has been implemented by passage and approval of HB 3029. HB 3029 establishes a uniform effective date of October 1 and provides for exceptions.

ARTICLE IV--THE LEGISLATURE (continued)

SECTION 11. COMPENSATION AND ALLOWANCES

A member shall receive a salary and allowances as provided by law, but changes in the salary of a member shall not take effect during the term for which he has been elected.

SECTION 12. LEGISLATIVE IMMUNITY

Except in cases of treason, felony or breach of peace, a member shall be privileged from arrest going to, during, and returning from sessions of the General Assembly. A member shall not be held to answer before any other tribunal for any speech or debate, written or oral, in either house. These immunities shall apply to committee and legislative commission proceedings.

SECTION 13. SPECIAL LEGISLATION

The General Assembly shall pass no special or local law when a general law is or can be made applicable. Whether a general law is or can be made applicable shall be a matter for judicial determination.

SECTION 14. IMPEACHMENT

The House of Representatives has the sole power to conduct legislative investigations to determine the existence of cause for impeachment and, by the vote of a majority of the members elected, to impeach Executive and Judicial officers. Impeachments shall be tried by the Senate. When sitting for that purpose, Senators shall be upon oath, or affirmation, to do justice according to law. If the Governor is tried, the Chief Justice of the Supreme Court shall preside. No person shall be convicted without the concurrence of two-thirds of the Senators elected. Judgment shall not extend beyond removal from office and disqualification to hold any public office of this State. An impeached officer, whether convicted or acquitted, shall be liable to prosecution, trial, judgment and punishment according to law.

SECTION 15. ADJOURNMENT

(a) When the General Assembly is in session, neither house without the consent of the other shall adjourn for more than three days or to a place other than where the two houses are sitting.

(b) If either house certifies that a disagreement exists between the houses as to the time for adjourning a session, the Governor may adjourn the General Assembly to a time not later than the first day of the next annual session.

Specific and immediate implementation is not required. HB 1938 and 1939 deal with expense allowances for members of the General Assembly. Both bills are on the fall calendar.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

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The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

ARTICLE V THE EXECUTIVE

SECTION 1. OFFICERS

The Executive Branch shall include a Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller and Treasurer elected by the electors of the State. They shall keep the public records and maintain a residence at the seat of government during their terms of office.

SECTION 2. TERMS

These elected officers of the Executive Branch shall hold office for four years beginning on the second Monday of January after their election and, except in the case of the Lieutenant Governor, until their successors are qualified. They shall be elected at the general election in 1978 and every four years thereafter.

SECTION 3. ELIGIBILITY

To be eligible to hold the office of Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller or Treasurer, a person must be a United States citizen, at least 25 years old, and a resident of this State for the three years preceding his election.

SECTION 4. JOINT ELECTION

In the general election for Governor and Lieutenant Governor, one vote shall be cast jointly for the candidates nominated by the same political party or petition. The General Assembly may provide by law for the joint nomination of candidates for Governor and Lieutenant Governor.

Section has been implemented in areas of immediate need by passage and approval of SB 1146. SB 1146 amends Ch. 127, Sec. 151a, Ill. Rev. Stat. (1969) to reflect that the Lieutenant Governor shall maintain residence at the state capitol during his term. SB 652 which would have deleted reference to the Superintendent of Public Instruction in Ch. 46, Sec. 25-5 has been vetoed. Deletion of reference to the Superintendent of Public Instruction in the Election Code will be desirable prior to the election of 1974. Further implementation awaits the final report and recommendations of the Citizens Advisory Committee on Implementation of Comptroller's Office.

Section has been implemented by passage and approval of SB 653. SB 653 establishes procedures for electing state officers in 1978 and every four years thereafter.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

Section will be implemented if SB 1224, HB 2158, 2900 or 2912 is passed substantially as introduced. SB 1224 provides for joint nomination and election, as does HB 2158. HB 2900 provides for joint election and for nomination of the Lieutenant Governor by party convention. HB 2912 provides for joint election. These bills are on the fall calendar.

ARTICLE V--THE EXECUTIVE (cont'd)

SECTION 5. CANVASS--CONTESTS

The election returns for executive offices shall be sealed and transmitted to the Secretary of State, or other person or body provided by law, who shall examine and consolidate the returns. The person having the highest number of votes for an office shall be declared elected. If two or more persons have an equal and the highest number of votes for an office, they shall draw lots to determine which of them shall be declared elected. Election contests shall be decided by the courts in a manner provided by law.

SECTION 6. GUBERNATORIAL SUCCESSION

(a) In the event of a vacancy, the order of succession to the office of Governor or to the position of Acting Governor shall be the Lieutenant Governor, the elected Attorney General, the elected Secretary of State, and then as provided by law.

(b) If the Governor is unable to serve because of death, conviction on impeachment, failure to qualify, resignation or other disability, the office of Governor shall be filled by the officer next in line of succession for the remainder of the term or until the disability is removed.

(c) Whenever the Governor determines that he may be seriously impeded in the exercise of his powers, he shall so notify the Secretary of State and the officer next in line of succession. The latter shall thereafter become Acting Governor with the duties and powers of Governor. When the Governor is prepared to resume office, he shall do so by notifying the Secretary of State and the Acting Governor.

(cont'd)

Section is implemented in areas of immediate need by existing statutes. Transfer of responsibility for canvassing from Secretary of State to State Board of Elections may be necessary. SB 654, 868, HB 2615 or 2916 will accomplish this. These bills are on the fall calendar.

Section will be implemented if SB 148 is passed substantially as introduced. SB 148 establishes order of succession beyond that provided in this section. Bill is on the fall calendar.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

ARTICLE V--THE EXECUTIVE (cont'd)

(d) The General Assembly by law shall specify by whom and by what procedures the ability of the Governor to serve or to resume office may be questioned and determined. The Supreme Court shall have original and exclusive jurisdiction to review such a law and any such determination and, in the absence of such a law, shall make the determination under such rules as it may adopt.

SECTION 7. VACANCIES IN OTHER ELECTIVE OFFICES

If the Attorney General, Secretary of State, Comptroller or Treasurer fails to qualify or if his office becomes vacant, the Governor shall fill the office by appointment. The appointee shall hold office until the elected officer qualifies or until a successor is elected and qualified as may be provided by law and shall not be subject to removal by the Governor. If the Lieutenant Governor fails to qualify or if his office becomes vacant, it shall remain vacant until the end of the term.

SECTION 8. GOVERNOR--SUPREME EXECUTIVE POWER

The Governor shall have the supreme executive power, and shall be responsible for the faithful execution of the laws.

SECTION 9. GOVERNOR--APPOINTING POWER

(a) The Governor shall nominate and, by and with the advice and consent of the Senate, a majority of the members elected concurring by record vote, shall appoint all officers whose election or appointment is not otherwise provided for. Any nomination not acted upon by the Senate within 60 session days after the receipt thereof shall be deemed to have received the advice and consent of the Senate. The General Assembly shall have no power to elect or appoint officers of the Executive Branch.

(b) If, during a recess of the Senate, there is a vacancy in an office filled by appointment by the Governor by and with the advice and consent of the Senate, the Governor shall make a temporary appointment until the next meeting of the Senate, where he shall make a nomination to fill such office.

(cont'd)

Section will be implemented if HB 2898 or 3018 is passed substantially as introduced. HB 2898 provides for resumption of duties by Governor subject to challenge by code department heads. HB 3018 provides that ability of Governor to serve will be determined by a commission comprised by other elective officers of executive branch. Both bills are on the fall calendar. Revised Illinois Supreme Court Rule 382, July 1, 1971, implements the last sentence of the section.

Specific and immediate implementation is not required. SB 652 which would have deleted reference to the Superintendent of Public Instruction has been vetoed. Transition Schedule, Section 7 provides in the event of a vacancy in this office. Deletion of reference to Office of Superintendent of Public Instruction in the Ill. Rev. Stat. will be desirable after 1974.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

Specific and immediate implementation is not required.

Specific and immediate implementation is not required.

ARTICLE V--THE EXECUTIVE (cont'd)

(c) No person rejected by the Senate for an office shall, except at the Senate's request, be nominated again for that office at the same session or be appointed to that office during a recess of that Senate.

SECTION 10. GOVERNOR--REMOVALS

The Governor may remove for incompetence, neglect of duty, or malfeasance in office any officer who may be appointed by the Governor.

SECTION 11. GOVERNOR--AGENCY REORGANIZATION

The Governor, by Executive Order, may reassign functions among or reorganize executive agencies which are directly responsible to him. If such a reassignment or reorganization would contravene a statute, the Executive Order shall be delivered to the General Assembly. If the General Assembly is in annual session and if the Executive Order is delivered on or before April 1, the General Assembly shall consider the Executive Order at that annual session. If the General Assembly is not in annual session or if the Executive Order is delivered after April 1, the General Assembly shall consider the Executive Order at its next annual session, in which case the Executive Order shall be deemed to have been delivered on the first day of that annual session. Such an Executive Order shall not become effective if, within 60 calendar days after its delivery to the General Assembly, either house disapproves the Executive Order by the record vote of a majority of the members elected. An Executive Order not so disapproved shall become effective by its terms but not less than 60 calendar days after its delivery to the General Assembly.

SECTION 12. GOVERNOR--PARDONS

The Governor may grant reprieves, commutations and pardons, after conviction, for all offenses on such terms as he thinks proper. The manner of applying therefore may be regulated by law.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

Specific and immediate implementation is not required. It may be desirable to modify the rules of both houses of the General Assembly to deal with reorganization orders.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

ARTICLE V--THE EXECUTIVE (cont'd)

SECTION 13. GOVERNOR--LEGISLATIVE MESSAGES

The Governor, at the beginning of each annual session of the General Assembly and at the close of his term of office, shall report to the General Assembly on the condition of the State and recommend such measures as he deems desirable.

SECTION 14. LIEUTENANT GOVERNOR--DUTIES

The Lieutenant Governor shall perform the duties and exercise the powers in the Executive Branch that may be delegated to him by the Governor and that may be prescribed by law.

SECTION 15. ATTORNEY GENERAL--DUTIES

The Attorney General shall be the legal officer of the State, and shall have the duties and powers that may be prescribed by law.

SECTION 16. SECRETARY OF STATE--DUTIES

The Secretary of State shall maintain the official records of the acts of the General Assembly and such official records of the Executive Branch as provided by law. Such official records shall be available for inspection by the public. He shall keep the Great Seal of the State of Illinois and perform other duties that may be prescribed by law.

SECTION 17. COMPTROLLER--DUTIES

The Comptroller, in accordance with law, shall maintain the State's central fiscal accounts, and order payments into and out of the funds held by the Treasurer.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

Section will be implemented if HB 1339 or 2199 is passed substantially as introduced. HB 1339 and 2199 require that public records be subject to disclosure. Both bills are on the fall calendar.

Section is not implemented. It is expected that the final report of the Citizens' Advisory Committee on Implementation of Comptroller's Office will contain specific recommendations. Report will be published prior to the fall session.

ARTICLE V--THE EXECUTIVE (cont'd)

SECTION 18. TREASURER--DUTIES

The Treasurer, in accordance with law, shall be responsible for the safekeeping and investment of monies and securities deposited with him, and for their disbursement upon order of the Comptroller.

Section is not implemented. It is expected that the final report of the Citizens' Advisory Committee on Implementation of Comptroller's Office will contain specific recommendations. Report will be published prior to the fall session.

SECTION 19. RECORDS--REPORTS

All officers of the Executive Branch shall keep accounts and shall make such reports as may be required by law. They shall provide the Governor with information relating to their respective offices, either in writing under oath, or otherwise, as the Governor may require.

Section is not implemented. It is expected that the final report of the Citizens' Advisory Committee on Implementation of Comptroller's Office will contain specific recommendations. Report will be published prior to the fall session.

SECTION 20. BOND

Civil officers of the Executive Branch may be required by law to give reasonable bond or other security for the faithful performance of their duties. If any officer is in default of such a requirement, his office shall be deemed vacant.

Section is not implemented. It is expected that the final report of the Citizens' Advisory Committee on Implementation of Comptroller's Office will contain specific recommendations. Report will be published prior to the fall session.

SECTION 21. COMPENSATION

Officers of the Executive Branch shall be paid salaries established by law and shall receive no other compensation for their services. Changes in the salaries of these officers elected or appointed for stated terms shall not take effect during the stated terms.

Specific and immediate implementation is not required.

ARTICLE VI
THE JUDICIARY

SECTION 1. COURTS

The judicial power is vested in a Supreme Court, an Appellate Court and Circuit Courts.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

SECTION 2. JUDICIAL DISTRICTS

The State is divided into five Judicial Districts for the selection of Supreme and Appellate Court Judges. The First Judicial District consists of Cook County. The remainder of the State shall be divided by law into four Judicial Districts of substantially equal population, each of which shall be compact and composed of contiguous counties.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

SECTION 3. SUPREME COURT—ORGANIZATION

The Supreme Court shall consist of seven Judges. Three shall be selected from the First Judicial District and one from each of the other Judicial Districts. Four judges constitute a quorum and the concurrence of four is necessary for a decision. Supreme Court Judges shall select a Chief Justice from their number to serve for a term of three years.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

SECTION 4. SUPREME COURT—JURISDICTION

(a) The Supreme Court may exercise original jurisdiction in cases relating to revenue, mandamus, prohibition or habeas corpus and as may be necessary to the complete determination of any case on review.

(b) Appeals from judgments of Circuit Courts imposing a sentence of death shall be directly to the Supreme Court as a matter of right. The Supreme Court shall provide by rule for direct appeal in other cases.

(c) Appeals from the Appellate Court to the Supreme Court are a matter of right if a question under the Constitution of the United States or of this State arises for the first time in and as a result of the action of the Appellate Court, or if a division of the Appellate Court certifies that a case decided by it involves a question of such importance that the case should be decided by the Supreme Court. The Supreme Court may provide by rule for appeals from the Appellate Court in other cases.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

ARTICLE VI--THE JUDICIARY (cont'd)

SECTION 5. APPELLATE COURT--ORGANIZATION

The number of Appellate Judges to be selected from each Judicial District shall be provided by law. The Supreme Court shall prescribe by rule the number of Appellate divisions in each Judicial District. Each Appellate division shall have at least three Judges. Assignments to divisions shall be made by the Supreme Court. A majority of a division constitutes a quorum and the concurrence of a majority of the division is necessary for a decision. There shall be at least one division in each Judicial District and each division shall sit at times and places prescribed by rules of the Supreme Court.

SECTION 6. APPELLATE COURT--JURISDICTION

Appeals from final judgments of a Circuit Court are a matter of right to the Appellate Court in the Judicial District in which the Circuit Court is located except in cases appealable directly to the Supreme Court and except that after a trial on the merits in a criminal case, there shall be no appeal from a judgment of acquittal. The Supreme Court may provide by rule for appeals to the Appellate Court from other than final judgments of Circuit Courts. The Appellate Court may exercise original jurisdiction when necessary to the complete determination of any case on review. The Appellate Court shall have such powers of direct review of administrative action as provided by law.

SECTION 7. JUDICIAL CIRCUITS

(a) The State shall be divided into Judicial Circuits consisting of one or more counties. The First Judicial District shall constitute a Judicial Circuit. The Judicial Circuits within the other Judicial Districts shall be as provided by law. Circuits composed of more than one county shall be compact and of contiguous counties. The General Assembly by law may provide for the division of a circuit for the purpose of selection of Circuit Judges and for the selection of Circuit Judges from the circuit at large.

(cont'd)

Section has been implemented by revised Ill. Supreme Court Rule 22, July 1, 1971. The House Special Committee on Constitutional Implementation is preparing bills for introduction during the fall session. The General Assembly will need to periodically review the number of Appellate Judges from each Judicial District.

Section is not implemented. The House Special Committee on Constitutional Implementation is preparing bills for introduction during the fall session. Revised Illinois Supreme Court Rule 306 and 307, July 1, 1971, implements the permissive second sentence.

Section will be implemented if HB 2756 is passed substantially as introduced. HB 2756 provides for division of the state into judicial circuits. This action will need to occur periodically to reflect changes in population and case load.

ARTICLE VI - THE JUDICIARY (cont'd)

(b) Each Judicial Circuit shall have one Circuit Court with such number of Circuit Judges as provided by law. Unless otherwise provided by law, there shall be at least one Circuit Judge from each county. In the First Judicial District, unless otherwise provided by law, Cook County, Chicago, and the area outside Chicago shall be separate units for the selection of Circuit Judges, with at least twelve chosen at large from the area outside Chicago and at least thirty-six chosen at large from Chicago.

(c) Circuit Judges in each circuit shall select by secret ballot a Chief Judge from their number to serve at their pleasure. Subject to the authority of the Supreme Court, the Chief Judge shall have general administrative authority over his court, including authority to provide for divisions, general or specialized, and for appropriate times and places of holding court.

SECTION 8. ASSOCIATE JUDGES

Each Circuit Court shall have such number of Associate Judges as provided by law. Associate Judges shall be appointed by the Circuit Judges in each circuit as the Supreme Court shall provide by rule. In the First Judicial District, unless otherwise provided by law, at least one-fourth of the Associate Judges shall be appointed from, and reside, outside Chicago. The Supreme Court shall provide by rule for matters to be assigned to Associate Judges.

SECTION 9. CIRCUIT COURTS - JURISDICTION

Circuit Courts shall have original jurisdiction of all justiciable matters except when the Supreme Court has original and exclusive jurisdiction relating to redistricting of the General Assembly and to the ability of the Governor to serve or resume office. Circuit Courts shall have such power to review administrative action as provided by law.

SECTION 10. TERMS OF OFFICE

The terms of office of Supreme and Appellate Court Judges shall be ten years; of Circuit Judges, six years; and of Associate Judges, four years.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

Section has been implemented by passage and approval of HB 2951-98 and 3001-13 and by revised Illinois Supreme Court Rules 39 and 295, July 1, 1971. These bills provide for change of reference regarding magistrates and associate judges. Periodic review of statutes will be necessary to determine the appropriate number of associate judges. Rule 39 provides for the appointment of associate judges. Rule 295 provides for matters assigned to them.

Section is not implemented. The House Special Committee on Constitutional Implementation is preparing bills for introduction during the fall session.

Specific and immediate implementation is not required.

ARTICLE VI--THE JUDICIARY (cont'd)

SECTION 11. ELIGIBILITY FOR OFFICE

No person shall be eligible to be a Judge or Associate Judge unless he is a United States citizen, a licensed attorney-at-law of this State, and a resident of the unit which selects him. No change in the boundaries of a unit shall affect the tenure in office of a Judge or Associate Judge incumbent at the time of such change.

SECTION 12. ELECTION AND RETENTION

(a) Supreme, Appellate and Circuit Judges shall be nominated at primary elections or by petition. Judges shall be elected at general or judicial elections as the General Assembly shall provide by law. A person eligible for the office of Judge may cause his name to appear on the ballot as a candidate for Judge at the primary and at the general or judicial elections by submitting petitions. The General Assembly shall prescribe by law the requirements for petitions.

(b) The office of a Judge shall be vacant upon his death, resignation, retirement, removal, or upon the conclusion of his term without retention in office. Whenever an additional Appellate or Circuit Judge is authorized by law, the office shall be filled in the manner provided for filling a vacancy in that office.

(c) A vacancy occurring in the office of Supreme, Appellate or Circuit Judge shall be filled as the General Assembly may provide by law. In the absence of a law, vacancies may be filled by appointment by the Supreme Court. A person appointed to fill a vacancy 60 or more days prior to the next primary election to nominate Judges shall serve until the vacancy is filled for a term at the next general or judicial election. A person appointed to fill a vacancy less than 60 days prior to the next primary election to nominate Judges shall serve until the vacancy is filled at the second general or judicial election following such appointment.

(cont'd)

Specific and immediate implementation is not required.

Section is not implemented. The House Special Committee on Constitutional Implementation is preparing bills for introduction during the fall session.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

Section will be implemented if SB 1065 or HB 2901 passes substantially as introduced. SB 1065 and HB 2901 provide different methods of filling judicial vacancies. Both bills are on the fall calendar.

ARTICLE VI - THE JUDICIARY (cont'd)

(d) Not less than six months before the general election preceding the expiration of his term of office, a Supreme, Appellate or Circuit Judge who has been elected to that office may file in the office of the Secretary of State a declaration of candidacy to succeed himself. The Secretary of State, not less than 63 days before the election, shall certify the Judge's candidacy to the proper election officials. The names of Judges seeking retention shall be submitted to the electors, separately and without party designation, on the sole question whether each Judge shall be retained in office for another term. The retention elections shall be conducted at general elections in the appropriate Judicial District, for Supreme and Appellate Judges, and in the circuit for Circuit Judges. The affirmative vote of three-fifths of the electors voting on the question shall elect the Judge to the office for a term commencing on the first Monday in December following his election.

(e) A law reducing the number of Appellate or Circuit Judges shall be without prejudice to the right of the Judges affected to seek retention in office. A reduction shall become effective when a vacancy occurs in the affected unit.

SECTION 13. PROHIBITED ACTIVITIES

(a) The Supreme Court shall adopt rules of conduct for Judges and Associate Judges.

(b) Judges and Associate Judges shall devote full time to judicial duties. They shall not practice law, hold a position of profit, hold office under the United States or this State or unit of local government or school district or in a political party. Service in the State militia or armed forces of the United States for periods of time permitted by rule of the Supreme Court shall not disqualify a person from serving as a Judge or Associate Judge.

SECTION 14. JUDICIAL SALARIES AND EXPENSES - FEE OFFICERS ELIMINATED

Judges shall receive salaries provided by law which shall not be diminished to take effect during their terms of office. All salaries and such expenses as may be provided by law shall be paid by the State, except that Appellate, Circuit and Associate Judges shall receive such additional compensation from counties within their district or circuit as may be provided by law. There shall be no fee officers in the judicial system.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

Specific and immediate implementation is not required. Further review of existing statutes to eliminate provisions for former fee officers is desirable.

ARTICLE VI--THE JUDICIARY (cont'd)

SECTION 15. RETIREMENT--DISCIPLINE

(a) The General Assembly may provide by law for the retirement of Judges and Associate Judges at a prescribed age. Any retired Judge or Associate Judge, with his consent, may be assigned by the Supreme Court to judicial service for which he shall receive the applicable compensation in lieu of retirement benefits. A retired Associate Judge may be assigned only as an Associate Judge.

(b) A Judicial Inquiry Board is created. The Supreme Court shall select two Circuit Judges as members and the Governor shall appoint four persons who are not lawyers and three lawyers as members of the Board. No more than two of the lawyers and two of the non-lawyers appointed by the Governor shall be members of the same political party. The terms of Board members shall be four years. A vacancy on the Board shall be filled for a full term in the manner the original appointment was made. No member may serve on the Board more than eight years.

(c) The Board shall be convened permanently, with authority to conduct investigations, receive or initiate complaints concerning a Judge or Associate Judge, and file complaints with the Courts Commission. The Board shall not file a complaint unless five members believe that a reasonable basis exists (1) to charge the Judge or Associate Judge with willful misconduct in office, persistent failure to perform his duties, or other conduct that is prejudicial to the administration of justice or that brings the judicial office into disrepute, or (2) to charge that the Judge or Associate Judge is physically or mentally unable to perform his duties. All proceedings of the Board shall be confidential except the filing of a complaint with the Courts Commission. The Board shall prosecute the complaint.

(d) The Board shall adopt rules governing its procedures. It shall have subpoena power and authority to appoint and direct its staff. Members of the Board who are not Judges shall receive per diem compensation and necessary expenses; members who are Judges shall receive necessary expenses only. The General Assembly by law shall appropriate funds for the operation of the Board.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules. HB 3047 creates the Board and appears to be unnecessary. It is on the fall calendar.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

Section will be implemented if HB 3030 is passed substantially as introduced. HB 3030 provides an appropriation for expenses of the Judicial Inquiry Board. The bill is on the fall calendar.

ARTICLE VI--THE JUDICIARY (cont'd)

(e) A Courts Commission is created consisting of one Supreme Court Judge selected by that Court, who shall be its chairman, two Appellate Court Judges selected by that Court, and two Circuit Judges selected by the Supreme Court. The Commission shall be convened permanently to hear complaints filed by the Judicial Inquiry Board. The Commission shall have authority after notice and public hearing, (1) to remove from office, suspend without pay, censure or reprimand a Judge or Associate Judge for willful misconduct in office, persistent failure to perform his duties, or other conduct that is prejudicial to the administration of justice or that brings the judicial office into disrepute, or (2) to suspend, with or without pay, or retire a Judge or Associate Judge who is physically or mentally unable to perform his duties.

(f) The concurrence of three members of the Commission shall be necessary for a decision. The decision of the Commission shall be final.

(g) The Commission shall adopt rules governing its procedures and shall have power to issue subpoenas. The General Assembly shall provide by law for the expenses of the Commission.

SECTION 16. ADMINISTRATION

General administrative and supervisory authority over all courts is vested in the Supreme Court and shall be exercised by the Chief Justice in accordance with its rules. The Supreme Court shall appoint an administrative director and staff, who shall serve at its pleasure, to assist the Chief Justice in his duties. The Supreme Court may assign a Judge temporarily to any court and an Associate Judge to serve temporarily as an Associate Judge on any Circuit Court. The Supreme Court shall provide by rule for expeditious and inexpensive appeals.

SECTION 17. JUDICIAL CONFERENCE

The Supreme Court shall provide by rule for an annual judicial conference to consider the work of the courts and to suggest improvements in the administration of justice and shall report thereon annually in writing to the General Assembly not later than January 31.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

Section has been implemented by passage and approval of SB 1215. SB 1215 provides a line item appropriation for expenses of the Courts Commission.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

SECTION 18. CLERKS OF COURTS

(a) The Supreme Court and the Appellate Court Judges of each Judicial District, respectively, shall appoint a clerk and other non-judicial officers for their Court or District.

(b) The General Assembly shall provide by law for the election, or for the appointment by Circuit Judges, of clerks and other non-judicial officers of the Circuit Courts and for their terms of office and removal for cause.

(c) The salaries of clerks and other non-judicial officers shall be as provided by law.

SECTION 19. STATE'S ATTORNEYS - SELECTION, SALARY

A State's Attorney shall be elected in each county in 1972 and every fourth year thereafter for a four year term. One State's Attorney may be elected to serve two or more counties if the governing boards of such counties so provide and a majority of the electors of each county voting on the issue approve. A person shall not be eligible for the office of State's Attorney unless he is a United States citizen and a licensed attorney-at-law of this State. His salary shall be provided by law.

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Section will be implemented if SB, 1257 or 1265 is passed substantially as introduced. SB 1256 and 1265 provide for appointment of clerks of the Supreme and Appellate Courts. Both bills are on the fall calendar. Provision should be made for filling a vacancy occurring during the term of the incumbents.

Section will be implemented by passage of SB 1258 and 1259. SB 1258 deals with vacancies in the office of Circuit Court clerk. SB 1259 provides for appointment of Circuit Court clerks by the Circuit Judges. Both bills are on the fall calendar.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

Section is not implemented. The House Special Committee on Constitutional Implementation is preparing bills for introduction during the fall session.

ARTICLE VII
LOCAL GOVERNMENT

SECTION 1. MUNICIPALITIES AND UNITS OF LOCAL GOVERNMENT

"Municipalities" means cities, villages and incorporated towns. "Units of local government" means counties, municipalities, townships, special districts, and units, designated as units of local government by law, which exercise limited governmental powers or powers in respect to limited governmental subjects, but does not include school districts.

SECTION 2. COUNTY TERRITORY, BOUNDARIES AND SEATS

(a) The General Assembly shall provide by law for the formation, consolidation, merger, division, and dissolution of counties, and for the transfer of territory between counties.

(b) County boundaries shall not be changed unless approved by referendum in each county affected.

Section is not implemented. The varying statutory definitions of "municipal", "municipality", "municipalities", and "local government" make full implementation of this section a complex and long-term process. For example, Ch. 108½, Sec. 7-105, Ill. Rev. Stat. (1969) defines "municipality" as any of 17 different types of local government. This section limits "municipalities" to cities, villages and incorporated towns. Secs. 8 and 10 of this Article are also affected, especially by statutory definitions of "units of local government". Failure of implementation may lead to unnecessary litigation, especially for non-home rule units. For example, is a junior college district a school district, and therefore not included in the constitutional definition of "unit of local government"?

Specific and immediate implementation is not required. Review of the statutes to insure conformity with this section is desirable, particularly so as to delete obsolete provisions such as found in Ch. 34, Secs. 108-110, Ill. Rev. Stat. (1969).

Section is implemented by passage of HB 3017 if it is approved by the Governor. HB 3017 provides initiative and referendum procedures for use in all units of local government. Further review of statutes to insure conformance with this section is desirable.

ARTICLE VII--LOCAL GOVERNMENT (cont'd)

(c) County seats shall not be changed unless approved by three-fifths of those voting on the question in a county-wide referendum.

Specific and immediate implementation is not required. Further review of statutes to insure conformance with this section is desirable.

SECTION 3. COUNTY BOARDS

(a) A county board shall be elected in each county. The number of members of the county board shall be fixed by ordinance in each county within limitations provided by law.

Specific and immediate implementation is not required.

(b) The General Assembly by law shall provide methods available to all counties for the election of county board members. No county, other than Cook County, may change its method of electing board members except as approved by county-wide referendum.

Specific and immediate implementation is not required. Further review of statutes to insure conformance with this section is desirable, particularly as regards counties which elect a board of county commissioners.

(c) Members of the Cook County Board shall be elected from two districts, Chicago and that part of Cook County outside Chicago, unless (1) a different method of election is approved by a majority of votes cast in each of the two districts in a county-wide referendum or (2) the Cook County Board by ordinance divides the county into single member districts from which members of the County Board resident in each district are elected. If a different method of election is adopted pursuant to option (1) the method of election may thereafter be altered only pursuant to option (2) or by county-wide referendum. A different method of election may be adopted pursuant to option (2) only once and the method of election may thereafter be altered only by county-wide referendum.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

SECTION 4. COUNTY OFFICERS

(a) Any county may elect a chief executive officer as provided by law. He shall have those duties and powers provided by law and those provided by county ordinance.

(b) The President of the Cook County Board shall be elected from the County at large and shall be the chief executive officer of the County. If authorized by county ordinance, a person seeking election as President of the Cook County Board may also seek election as a member of the Board.

(c) Each county shall elect a sheriff, county clerk and treasurer and may elect or appoint a coroner, recorder, assessor, auditor and such other officers as provided by law or by county ordinance. Except as changed pursuant to this Section, elected county officers shall be elected for terms of four years at general elections as provided by law. Any office may be created or eliminated and the terms of office and manner of selection changed by county-wide referendum. Offices other than sheriff, county clerk and treasurer may be eliminated and the terms of office and manner of selection changed by law. Offices other than sheriff, county clerk, treasurer, coroner, recorder, assessor and auditor may be eliminated and the terms of office and manner of selection changed by county ordinance.

(d) County officers shall have those duties, powers and functions provided by law and those provided by county ordinance. County officers shall have the duties, powers or functions derived from common law or historical precedent unless altered by law or county ordinance.

Section will be implemented if HB 1800 or SB 810 is passed substantially as introduced. HB 1800 and SB 810 were identical bills at the time of introduction. HB 1800 has been amended. Both bills are on the fall calendar.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

Section is implemented by passage of HB 3017 if it is approved by the Governor. HB 3017 provides initiative and referendum procedures for use in all units of local government.

Section will be implemented if HB 2840 and 2841 are passed substantially as introduced. HB 2840 requires county sheriffs to submit periodic financial reports to their county boards. HB 2841 allows county boards to alter the powers, duties and functions of county officers by 2/3 vote. Both bills are on the fall calendar.

Section is partially implemented by passage of HB 3017 if it is approved by the Governor. HB 3017 provides initiative and referendum procedures for use in all units of local government.

ARTICLE VII--LOCAL GOVERNMENT (cont'd)

(e) The county treasurer or the person designated to perform his functions may act as treasurer of any unit of local government and any school district in his county when requested by any such unit or school district and shall so act when required to do so by law.

SECTION 5. TOWNSHIPS

The General Assembly shall provide by law for the formation of townships in any county when approved by county-wide referendum. Townships may be consolidated or merged, and one or more townships may be dissolved or divided, when approved by referendum in each township affected. All townships in a county may be dissolved when approved by a referendum in the total area in which township officers are elected.

SECTION 6. POWERS OF HOME RULE UNITS

(a) A County which has a chief executive officer elected by the electors of the county and any municipality which has a population of more than 25,000 are home rule units. Other municipalities may elect by referendum to become home rule units. Except as limited by this Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; to license; to tax; and to incur debt

Section will be implemented if HB 3045 is passed substantially as introduced. HB 3045 provides that county treasurers may act as treasurers for other units of local government and school districts within the county upon written request. The bill is on the fall calendar.

Section is implemented by passage of HB 3017 if it is approved by the Governor. HB 3017 provides initiative and referendum procedures for use in all units of local government. Dissolution or consolidation of townships under this section will require implementation of Sec. 12 of this article.

Section will be implemented if SB 810 or HB 1800 is passed substantially as implemented. SB 810 or HB 1800 will provide procedures whereby counties may become home rule units. Both bills are on the fall calendar.

Section is partially implemented by passage of HB 3017 if it is approved by the Governor. HB 3017 provides initiative and referendum procedures for use in all units of local government.

ARTICLE VII-LOCAL GOVERNMENT (cont'd)

(b) A home rule unit by referendum may elect not to be a home rule unit.

(c) If a home rule county ordinance conflicts with an ordinance of a municipality, the municipal ordinance shall prevail within its jurisdiction.

(d) A home rule unit does not have the power (1) to incur debt payable from ad valorem property tax receipts maturing more than 40 years from the time it is incurred or (2) to define and provide for the punishment of a felony.

(e) A home rule unit shall have only the power that the General Assembly may provide by law (1) to punish by imprisonment for more than six months or (2) to license for revenue or impose taxes upon or measured by income or earnings or upon occupations.

(f) A home rule unit shall have the power subject to approval by referendum to adopt, alter or repeal a form of government provided by law, except that the form of government of Cook County shall be subject to the provisions of Section 3 of this Article. A home rule municipality shall have the power to provide for its officers, their manner of selection and terms of office only as approved by referendum or as otherwise authorized by law. A home rule county shall have the power to provide for its officers, their manner of selection and terms of office in the manner set forth in Section 4 of this Article.

Section is implemented by passage of HB 3017 if it is approved by the Governor. HB 3017 provides initiative and referendum procedures for use in all units of local government. HB 2926 which has been approved provides that a municipality which is a home rule unit by reason of having a population of over 25,000 subsequently falls below 25,000, it shall continue to have home rule powers until it elects by referendum not to be a home rule unit.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

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The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

Section is implemented by passage of HB 3017 if it is approved by the Governor. HB 3017 provides initiative and referendum procedures for use in all units of local government.

ARTICLE VII--LOCAL GOVERNMENT (cont'd)

(g) The General Assembly by a law approved by the vote of three-fifths of the members elected to each house may deny or limit the power to tax and any other power or function of a home rule unit not exercised or performed by the State other than a power or function specified in subsection (1) of this section.

(h) The General Assembly may provide specifically by law for the exclusive exercise by the State of any power or function of a home rule unit other than a taxing power or a power or function specified in subsection (1) of this Section.

(i) Home rule units may exercise and perform concurrently with the State any power or function of a home rule unit to the extent that the General Assembly by law does not specifically limit the concurrent exercise or specifically declare the State's exercise to be exclusive.

(j) The General Assembly may limit by law the amount of debt which home rule counties may incur and may limit by law approved by three-fifths of the members elected to each house the amount of debt, other than debt payable from ad valorem property tax receipts, which home rule municipalities may incur.

(k) The General Assembly may limit by law the amount and require referendum approval of debt to be incurred by home rule municipalities, payable from ad valorem property tax receipts, only in excess of the following percentages of the assessed value of its taxable property: (1) if its population is 500,000 or more, an aggregate of three percent; (2) if its population is more than 25,000 and less than 500,000, an aggregate of one percent; and (3) if its population is 25,000 or less, an aggregate of one-half percent. Indebtedness which is outstanding on the effective date of this Constitution or which is thereafter approved by referendum or assumed from another unit of local government shall not be included in the foregoing percentage amounts.

(l) The General Assembly may not deny or limit the power of home rule units (1) to make local improvements by special assessment and to exercise this power jointly with other counties and municipalities, and other classes of units of local government having that power on the effective date of this Constitution unless that power is subsequently denied by law to any such other units of local government or (2) to levy or impose additional taxes upon areas within their boundaries in the manner provided by law for the provision of special services to those areas and for the payment of debt incurred in order to provide those special services.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

Specific and immediate implementation is not required. Legislation to clarify procedures for incurring debt and to change the maximum period for service of bonded debt from 20 to not more than 40 years is desirable (see Sec. 6d above).

Specific and immediate implementation is not required. Legislation to clarify procedures for incurring debt and to change the maximum period for service of bonded debt from 20 to not more than 40 years is desirable (see Sec. 6d above).

Section will be implemented if SB 479 or HB 1799 is passed substantially as introduced. SB 479 and HB 1799 are identical bills which provide special assessment and area taxation powers for counties. HB 1440 also provides for county special assessments. All of these bills are on the fall calendar. It will also be necessary to provide for area taxation by municipalities.

ARTICLE VII-LOCAL GOVERNMENT (cont'd)

(m) Powers and functions of home rule units shall be construed liberally.

SECTION 7 COUNTIES AND MUNICIPALITIES OTHER THAN HOME RULE UNITS

Counties and municipalities which are not home rule units shall have only powers granted to them by law and the powers (1) to make local improvements by special assessment and to exercise this power jointly with other counties and municipalities, and other classes of units of local government having that power on the effective date of this Constitution unless that power is subsequently denied by law to any such other units of local government; (2) by referendum, to adopt, alter or repeal their forms of government provided by law; (3) in the case of municipalities, to provide by referendum for their officers, manner of selection and terms of office; (4) in the case of counties, to provide for their officers, manner of selection and terms of office as provided in Section 4 of this Article; (5) to incur debt except as limited by law and except that debt payable from ad valorem property tax receipts shall mature within 40 years from the time it is incurred; and (6) to levy or impose additional taxes upon areas within their boundaries in the manner provided by law for the provision of special services to those areas and for the payment of debt incurred in order to provide those special services.

SECTION 8. POWERS AND OFFICERS OF SCHOOL DISTRICTS AND UNITS OF LOCAL GOVERNMENT OTHER THAN COUNTIES AND MUNICIPALITIES

Townships, school districts special districts and units, designated by law as units of local government, which exercise limited governmental powers or powers in respect to limited governmental subjects shall have only powers granted by law. No law shall grant the power (1) to any of the foregoing units to incur debt payable from ad valorem property tax receipts maturing more than 40 years from the time it is incurred, or (2) to make improvements by special assessments to any of the foregoing classes of units which

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

Section will be implemented if SB 479 or HB 1799 passes substantially as introduced. These are identical bills which provide for special assessment and area taxation by counties. HB 1440 also provides for county special assessment. All of these bills are on the fall calendar. It will also be necessary to provide for area taxation by municipalities.

Section has been partially implemented by passage and approval of HB 1715, 1716, 2076, 2427, SB 920 and 921 which provide grants of authority as permitted under this section. HB 3017 provides initiative and referendum procedures for use in all units of local government is awaiting approval by the Governor.

Section has been implemented by passage and approval of ~~HB 2084-2105~~. HB 2084-2105 provide for appointment of officers of special districts by non-judicial authorities. Legislation to clarify procedures for incurring debt and to change the maximum period for service of debt from 20 to not more than 40 years is desirable.

HB 2625 passed. It continues judicial appointment of trustees of River Conservancy Districts and is in conflict with the letter and intent of this section.

do not have that power on the effective date of this Constitution. The General Assembly shall provide by law for the selection of officers of the foregoing units, but the officers shall not be appointed by any person in the Judicial Branch.

SECTION 9. SALARIES AND FEES

(a) Compensation of officers and employees and the office expenses of units of local government shall not be paid from fees collected. Fees may be collected as provided by law and by ordinance and shall be deposited upon receipt with the treasurer of the unit. Fees shall not be based upon funds disbursed or collected, nor upon the levy or extension of taxes. [This Section 9(a) of Article VII shall become effective on December 1, 1971. See Transition Schedule Section 1(b).]

(b) An increase or decrease in the salary of an elected officer of any unit of local government shall not take effect during the term for which that officer is elected.

SECTION 10. INTERGOVERNMENTAL COOPERATION

(a) Units of local government and school districts may contract or otherwise associate among themselves, with the State, with other states and their units of local government and school districts, and with the United States to obtain or share services and to exercise, combine, or transfer any power or function, in any manner not prohibited by law or by ordinance. Units of local government and school districts may contract and otherwise associate with individual associations, and corporations in any manner not prohibited by law or by ordinance. Participating units of government may use their credit, revenues, and other resources to pay costs and to service debt related to intergovernmental activities.

(b) Officers and employees of units of local government and school districts may participate in intergovernmental activities authorized by their units of government without relinquishing their offices or positions.

(c) The State shall encourage intergovernmental cooperation and use its technical and financial resources to assist intergovernmental activities.

Section will be implemented if HB 2618 is passed substantially as introduced. HB 2618 provides for timely deposit with the county treasurer of fees collected by any elected or appointed county officer and provides penalties for violation. Further review of the statutes to provide salaries for former fee officers and to develop appropriate fee schedules is desirable.

Specific and immediate implementation is not required. SB 734, 735, 738, HB 2040 and 2041 passed and have been approved by the Governor. These bills are among a number introduced which grant authority to units of local government to enter into specific types of intergovernmental activity. These bills appear to be unnecessary where they grant authority for intergovernmental activity but are required insofar as they grant related tax powers to non-home rule units.

ARTICLE VII--LOCAL GOVERNMENT (continued)

SECTION 11. INITIATIVE AND REFERENDUM

(a) Proposals for actions which are authorized by this Article or by law and which require approval by referendum may be initiated and submitted to the electors by resolution of the governing board of a unit of local government or by petition of electors in the manner provided by law.

(b) Referenda required by this Article shall be held at general elections, except as otherwise provided by law. Questions submitted to referendum shall be adopted if approved by a majority of those voting on the question unless a different requirement is specified in this Article.

SECTION 12. IMPLEMENTATION OF GOVERNMENTAL CHANGES

The General Assembly shall provide by law for the transfer of assets, powers and functions, and for the payment of outstanding debt in connection with the formation, consolidation, merger, division, dissolution and change in the boundaries of units of local government.

ARTICLE VIII

FINANCE

SECTION 1. GENERAL PROVISIONS

(a) Public funds, property or credit shall be used only for public purposes.

(cont'd)

Section is implemented by passage of HB 3017 if it is approved by the Governor. HB 3017 provides initiative and referendum procedures for use in all units of local government. The bill is flawed by the omission of a word. Corrective action has been instituted and an amendatory bill will be introduced during the fall session.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

Section is not implemented. The House Special Committee on Constitutional Implementation is expected to prepare bills for introduction during the fall session.

SB 903 and 904 passed and have been approved by the Governor. They provide for transfer of pension funds where a fire district is absorbed by a municipality. SB 226 and HB 1798 provide for transfer of functions and assets in certain other cases of local governmental consolidation or merger. Both bills are on the fall calendar.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

ARTICLE VIII - FINANCE

(b) The State, units of local government and school districts shall incur obligations for payment or make payments from public funds only as authorized by law or ordinance.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

(c) Reports and records of the obligation, receipt and use of public funds of the State, units of local government and school districts are public records available for inspection by the public according to law.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

SECTION 2. STATE FINANCE

(a) The Governor shall prepare and submit to the General Assembly, at a time prescribed by law, a State budget for the ensuing fiscal year. The budget shall set forth the estimated balance of funds available for appropriation at the beginning of the fiscal year, the estimated receipts, and a plan for expenditures and obligations during the fiscal year of every department, authority, public corporation and quasi-public corporation of the State, every State college and university, and every other public agency created by the State, but not of units of local government or school districts. The budget shall also set forth the indebtedness and contingent liabilities of the State and such other information as may be required by law. Proposed expenditures shall not exceed funds estimated to be available for the fiscal year as shown in the budget.

Specific and immediate implementation is not required. The legislature may wish to designate an agency to provide an estimate of funds available for the fiscal year as shown in the budget.

(b) The General Assembly by law shall make appropriations for all expenditures of public funds by the State. Appropriations for a fiscal year shall not exceed funds estimated by the General Assembly to be available during that year. [This Section 2 of Article VIII shall become effective on January 1, 1972. See Transition Schedule Section 1(c).]

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules. The legislature may wish to designate an agency to provide an estimate of funds available for the fiscal year shown in the budget.

SECTION 3. STATE AUDIT AND AUDITOR GENERAL

(a) The General Assembly shall provide by law for the audit of the obligation, receipt and use of public funds of the State. The General Assembly, by a vote of three-fifths of the members elected to each house, shall appoint an Auditor General and may remove him for cause by a similar vote. The Auditor General shall serve for a term of ten years. His compensation shall be established by law and shall not be diminished, but may be increased, to take effect during his term.

(b) The Auditor General shall conduct the audit of public funds of the State. He shall make additional reports and investigations as directed by the General Assembly. He shall report his findings and recommendations to the General Assembly and to the Governor.

SECTION 4. SYSTEMS OF ACCOUNTING, AUDITING AND REPORTING

The General Assembly by law shall provide systems of accounting, auditing and reporting of the obligation, receipt and use of public funds. These systems shall be used by all units of local government and school districts.

Section will be implemented if HB 3031 is passed substantially as introduced. HB 3031 provides for the office of Auditor General and prescribes his powers and duties. The bill is on the fall calendar.

Section will be implemented if HB 3031 is passed substantially as introduced. HB 3031 provides for the offices of Auditor General and prescribes his powers and duties. The bill is on the fall calendar.

Section is not implemented. It is expected that the final report of the Citizens' Advisory Committee on Implementation of Comptroller's Office will contain specific recommendations. Report will be published prior to the fall session.

Several parties are concerned with early implementation of this section. They include the Citizens' Advisory Committee (see above), the Auditor of Public Accounts, the Office of Community Services of the Department of Local Government Affairs, several county auditors and representatives of other units of local governments. Coordination of the efforts of these several concerned parties is desirable.

ARTICLE IX REVENUE

SECTION 1. STATE REVENUE POWER

The General Assembly has the exclusive power to raise revenue by law except as limited or otherwise provided in this Constitution. The power of taxation shall not be surrendered, suspended, or contracted away.

SECTION 2. NON-PROPERTY TAXES—CLASSIFICATION, EXEMPTIONS, DEDUCTIONS, ALLOWANCES AND CREDITS

In any law classifying the subjects or objects of non-property taxes or fees, the classes shall be reasonable and the subjects and objects within each class shall be taxed uniformly. Exemptions, deductions, credits, refunds and other allowances shall be reasonable.

SECTION 3. LIMITATIONS ON INCOME TAXATION

(a) A tax on or measured by income shall be at a non-graduated rate. At any one time there may be no more than one such tax imposed by the State for State purposes on individuals and one such tax so imposed on corporations. In any such tax imposed upon corporations the rate shall not exceed the rate imposed on individuals by more than a ratio of 8 to 5.

(b) Laws imposing taxes on or measured by income may adopt by reference provisions of the laws and regulations of the United States, as they then exist or thereafter may be changed, for the purpose of arriving at the amount of income upon which the tax is imposed.

SECTION 4. REAL PROPERTY TAXATION

(a) Except as otherwise provided in this Section, taxes upon real property shall be levied uniformly by valuation ascertained as the General Assembly shall provide by law.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

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ARTICLE IX - REVENUE (cont'd)

(b) Subject to such limitations as the General Assembly may hereafter prescribe by law, counties with a population of more than 200,000 may classify or to continue to classify real property for purposes of taxation. Any such classification shall be reasonable and assessments shall be uniform within each class. The level of assessment or rate of tax of the highest class in a county shall not exceed two and one-half times the level of assessment or rate of tax of the lowest class in that county. Real property used in farming in a county shall not be assessed at a higher level of assessment than single family residential real property in that county.

(c) Any depreciation in the value of real estate occasioned by a public easement may be deducted in assessing such property.

SECTION 5. PERSONAL PROPERTY TAXATION

(a) The General Assembly by law may classify personal property for purposes of taxation by valuation, abolish such taxes on any or all classes and authorize the levy of taxes in lieu of the taxation of personal property by valuation.

(b) Any ad valorem personal property tax abolished on or before the effective date of this Constitution shall not be reinstated.

Section will be implemented if HB 2197 is passed substantially as introduced. HB 2197 provides for classification of real estate for purposes of taxation in counties with a population of more than 200,000 but not more than 1,000,000. HB 556 defines "fair cash value" as 50% of actual value except for counties over 200,000 which classify. HB 2772 also provides for classification of real property. These bills are on the fall calendar.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

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Specific and immediate implementation is not required. The Illinois Supreme Court, in Lake Auto Parts Co. et al v. Bernard J. Korzen et al and related cases, nullified the results of the November 3, 1970 referendum. In that referendum the electorate approved of abolition of the personal property tax on individuals.

HB 2839 creates a Revenue Replacement Commission to study and report on the effects of the abolition of the ad valorem personal property tax.

The effect of this section is deferred until not later than January 1, 1979 (see Sec. 5(c) below).

(c) On or before January 1, 1979, the General Assembly by law shall abolish all ad valorem personal property taxes and concurrently therewith and thereafter shall replace all revenue lost by units of local government and school districts as a result of the abolition of ad valorem personal property taxes subsequent to January 2, 1971. Such revenue shall be replaced by imposing statewide taxes, other than ad valorem taxes on real estate, solely on those classes relieved of the burden of paying ad valorem personal property taxes because of the abolition of such taxes subsequent to January 2, 1971. If any taxes imposed for such replacement purposes are taxes on or measured by income, such replacement taxes shall not be considered for purposes of the limitations of one tax and the ratio of 8 to 5 set forth in Section 3(a) of this Article.

SECTION 6. EXEMPTIONS FROM PROPERTY TAXATION

The General Assembly by law may exempt from taxation only the property of the State, units of local government and school districts and property used exclusively for agricultural and horticultural societies, and for school, religious, cemetery and charitable purposes. The General Assembly by law may grant homestead exemptions or rent credits.

SECTION 7. OVERLAPPING TAXING DISTRICTS

The General Assembly may provide by law for fair apportionment of the burden of taxation of property situated in taxing districts that lie in more than one county.

SECTION 8. TAX SALES

(a) Real property shall not be sold for the non-payment of taxes or special assessments without judicial proceedings.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

Section will be implemented if SB 130 is passed substantially as introduced. SB 130 provides that in overlapping taxing districts property which lies in 2 or more counties will be valued by applying the lowest level of assessment prevailing in any of the counties. HB 2619 creates a commission to study the problem of taxing districts that lie in more than one county. Both bills are on the fall calendar.

Specific and immediate implementation is not required. The constitutional language, when coupled with existing statutes, appears to be adequate.

(b) The right of redemption from all sales of real estate for the non-payment of taxes or special assessments shall exist in favor of owners and persons interested in such real estate for not less than two years following such sales. Owners, occupants and parties interested shall be given reasonable notice of the sale and the date of expiration of the period of redemption as the General Assembly provides by law.

Section is not implemented. SB 779 passed. It provides for an extended period of redemption by the owner or owners of real property consisting of at least one but not more than four dwelling units where one of the dwelling units is occupied by the owner or owners. SB 779 does not coincide with the wording of this section and is in conflict with the apparent intent. No other bill is pending at this time.

SECTION 9. STATE DEBT

(a) No State debt shall be incurred except as provided in this Section. For the purpose of this Section, "State debt" means bonds or other evidences of indebtedness which are secured by the full faith and credit of the State or are required to be repaid, directly or indirectly, from tax revenue and which are incurred by the State, any department, authority, public corporation or quasi-public corporation of the State, any State college or university, or any other public agency created by the State, but not by units of local government, or school districts.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

(b) State debt for specific purposes may be incurred or the payment of State or other debt guaranteed in such amounts as may be provided either in a law passed by the vote of three-fifths of the members elected to each house of the General Assembly or in a law approved by a majority of the electors voting on the question at the next general election following passage. Any law providing for the incurring or guaranteeing of debt shall set forth the specific purposes and the manner of repayment.

Specific and immediate implementation is not required. This section, when coupled with Article IV and existing statutes, appears to be adequate.

(c) State debt in anticipation of revenues to be collected in a fiscal year may be incurred by law in an amount not exceeding 5% of the State's appropriations for that fiscal year. Such debt shall be retired from the revenues realized in that fiscal year.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

(d) State debt may be incurred by law in an amount not exceeding 15% of the State's appropriations for that fiscal year to meet deficits caused by emergencies or failures of revenue. Such law shall provide that the debt be repaid within one year of the date it is incurred.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

ARTICLE IX - REVENUE

(e) State debt may be incurred by law to refund outstanding State debt if the refunding debt matures within the term of the outstanding State debt.

(f) The State, departments, authorities, public corporations and quasi-public corporations of the State, the State colleges and universities and other public agencies created by the State, may issue bonds or other evidences of indebtedness which are not secured by the full faith and credit or tax revenue of the State nor required to be repaid, directly or indirectly, from tax revenue, for such purposes and in such amounts as may be authorized by law.

SECTION 10. REVENUE ARTICLE NOT LIMITED

This Article is not qualified or limited by the provisions of Article VII of this Constitution concerning the size of the majorities in the General Assembly necessary to deny or limit the power to tax granted to units of local government.

ARTICLE X

EDUCATION

SECTION 1. GOAL - FREE SCHOOLS

A fundamental goal of the People of the State is the educational development of all persons to the limits of their capacities.

The State shall provide for an efficient system of high quality public educational institutions and services. Education in public schools through the secondary level shall be free. There may be such other free education as the General Assembly provides by law.

The State has the primary responsibility for financing the system of public education.

SECTION 2. STATE BOARD OF EDUCATION - CHIEF STATE EDUCATIONAL OFFICER

(a) There is created a State Board of Education to be elected or selected on a regional basis. The number of members, their qualifications, terms of office and manner of election or selection shall be provided by law. The Board, except as limited by law, may establish goals, determine policies, provide for planning and evaluating education programs and recommend financing. The Board shall have such other duties and powers as provided by law.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

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Section will be implemented if HB 1918 is passed substantially as introduced. HB 1918 provides for classes for youth and adults whose education has been interrupted. The bill is on the fall calendar.

Recent court decisions in California suggest that the General Assembly should carefully review the responsibility of the state for financing public education as provided in the last sentence of the section.

Section will be implemented if HB 1903, 2106 or 2118 passes substantially as introduced. HB 1903 provides for an interim state board of education. The other bills provide for a permanent board. These bills are on the fall calendar.

(cont'd)

HB 2905 provides for an interim board with the sole power of filling a vacancy in the office of Superintendent of Public Instruction should one occur prior to January, 1973. The bill is on the fall calendar.

(b) The State Board of Education shall appoint a chief state educational officer.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

SECTION 3. PUBLIC FUNDS FOR SECTARIAN PURPOSES FORBIDDEN

Neither the General Assembly nor any county, city, town, township, school district, or other public corporation, shall ever make any appropriation or pay from any public fund whatever, anything in aid of any church or sectarian purpose, or to help support or sustain any school, academy, seminary, college, university, or other literary or scientific institution, controlled by any church or sectarian denomination whatever; nor shall any grant or donation of land, money, or other personal property ever be made by the State, or any such public corporation, to any church, or for any sectarian purpose.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

ARTICLE XI ENVIRONMENT

SECTION 1. PUBLIC POLICY—LEGISLATIVE RESPONSIBILITY

The public policy of the State and the duty of each person is to provide and maintain a healthful environment for the benefit of this and future generations. The General Assembly shall provide by law for the implementation and enforcement of this public policy.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

SECTION 2. RIGHTS OF INDIVIDUALS

Each person has the right to a healthful environment. Each person may enforce this right against any party, governmental or private, through appropriate legal proceedings subject to reasonable limitation and regulation as the General Assembly may provide by law. [The second sentence of Section 2 of Article XI shall become effective on January 1, 1972. See Transition Schedule Section 1(d).]

The Task Force believes this section is self-executing. Legislation is desirable to provide for appropriate legal proceedings to pursue the right established in the section.

ARTICLE XII**MILITIA****SECTION 1. MEMBERSHIP**

The State militia consists of all able-bodied persons residing in the State except those exempted by law.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

SECTION 2. SUBORDINATION OF MILITARY POWER

The military shall be in strict subordination to the civil power.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

SECTION 3. ORGANIZATION, EQUIPMENT AND DISCIPLINE

The General Assembly shall provide by law for the organization, equipment and discipline of the militia in conformity with the laws governing the armed forces of the United States.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

SECTION 4. COMMANDER-IN-CHIEF AND OFFICERS

(a) The Governor is commander-in-chief of the organized militia, except when they are in the service of the United States. He may call them out to enforce the laws, suppress insurrection or repel invasion.

(b) The Governor shall commission militia officers who shall hold their commissions for such time as may be provided by law.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

SECTION 5. PRIVILEGE FROM ARREST

Except in cases of treason, felony or breach of peace, persons going to, returning from or on militia duty are privileged from arrest.

The Task Force believes this section is self-executing or adequately treated by existing statutes and rules.

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